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भारत का राजपत्र

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सं. 41] नई दिल्ली, अक्टूबर 5—अक्टूबर 11, 2008, शनिवार/आश्विन 13—आश्विन 19, 1930

No. 41] NEW DELHI, OCTOBER 5—OCTOBER 11, 2008, SATURDAY/ASVINA 13—ASVINA 19, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय
नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2830.—सार्वजनिक परिसर (अनधिकृत अधिकोगी की बेदखली) अधिनियम 1971 (1971 का 40) की थारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा श्री के.सी. मीना, उप निदेशक, सहायक आमूचना व्यूरो, शिलांग, सरकार के एक राजपत्रित अधिकारी को उक्त नियम के उद्देश्य के लिए दिनांक 1-3-2008 से सम्पदा अधिकारी नियुक्त करता है और निर्देश देता है कि उक्त अधिकारी ग्रहण शक्तियों का प्रयोग करेंगे और उक्त अधिनियम के द्वारा अधिका उसके अन्तर्गत सहायक आमूचना व्यूरो शिलांग के नियंत्रण में आने वाले समस्त सरकारी रिहायशों के संबंध में सम्पदा अधिकारी को अधिरेपित कर्तव्य का निर्वहन करेंगे।

[सं. 1/सी-II/83 (शिलांग)-I/पीएफ-II]
एच. के. सुशान्धन, अवर सचिव

MINISTRY OF HOME AFFAIRS
New Delhi, the 26th September, 2008

S.O. 2830—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of un-authorized

occupants) Act, 1971 (40 of 1971), the Central Government hereby appoint Shri K. C. Meena, Deputy Director, Subsidiary Intelligence Bureau, Shillong a Gazetted Officer of the Government of India to be Estate Officer w.e.f. 1-3-2008 for the purpose of the said Act and directs that the said officer shall exercise the powers conferred and perform the duties, imposed on the Estate Officer by or under the said Act in respect of all Government land and building under the control of SIB Shillong.

[No. I/C-II/83(SHG)-I/P.F.-II]

H. K. SUANTHANG, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)
नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2831—केन्द्रीय सरकार राजभाष्य (सभे के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसार में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड के नियन्त्रित कार्यालय को जिनके 80

प्रतिशत कर्पचारी दृढ़ ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

केन्द्रीय उत्पाद, सीमा शुल्क एवं सेवा कर आयुक्तालय
सूत्र-1

गांधी नगर के सापने, चैक बाजार
सूत्र-395001

[फा. सं. 11012/1/2008-हिन्दी-2]
मधु शर्मा, निदेशक (ए.ए.)

**MINISTRY OF FINANCE
(Department of Revenue)**

New Delhi, the 26th September, 2008

S.O. 2831—In pursuance of Sub Rule 4 of rule 10 of the Official Language (use of Official purpose of the union) Rules, 1976 the Central Government hereby notifies the following office under the Central Board of Excise & Customs, Department of Revenue, the 80% staff where of have acquired the working knowledge of Hindi:—

Commissionerate of Central Excise, Customs & Service Tax, Surat-1, Opposite Gandhi Bagh,
Chowk Bazar,
Surat-395001.

[F. No. 11012/1/2008-Hindi-2]
MADHUSARMA, Director (OL)

कार्यालय भुख्य आयकर आयुक्त, जयपुर
शुद्धि-पत्र

जयपुर : अक्टूबर, 2008

का.आ. 2832—अधिकारी नियम, 1962 के नियम 2 सौ.ए के साथ पठनीय अनुकर अधिनियम, 1961 की धारा (1) के खण्ड (23 सी) के उपखण्ड (1(a)) की तड़त अधिसूचना सं. 05/2007-08 दिनांक 24-10-07 के द्वारा "भगवान महावीर कैंसर हास्पिटल एंड रिसर्च सेंटर, जयपुर" को स्वीकृति दी गई थी। अधिसूचना के पैरा 1 की लाइन 4 में निश्चय तर्ज 2006-07 के स्थान पर "निश्चय तर्ज 2006-07 एवं धारा 2 के लिए" पढ़ा जाये।

[ऋग्मांक: भुआआ-अभाआ/
(मु.प्रज्ञा) 0/23सी) (via) 08-09-2479]
जी.एस. डिल्ली, मुख्य आयकर आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX
CORRIGENDUM**

Jaipur, the 1st October, 2008

S.O. 2832—In Notification No. 05/2007-08 dated 24-10-2007 vide which "Bhagwan Mahaveer Cancer Hospital and Research Centre, Jaipur" was approved for the purpose of sub-clause (via) of clause (23C) of Section 10 of

the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1967, the assessment years in Para 1, line 5 may be read as "A.Y. 2006-07 and onwards" instead of A.Y. 2006-07.

[No. C. II/1/PR/Addl.CIT (Hqrs.)/10/23C)
(Via) 2008-09/2439]

B. S. DHILLON, Chief Commissioner of Income-tax

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2833—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मानकर, एतद्वाया, श्री अशोक चावला, सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से तथा अगला आदेश होने तक, दी. एम. मुक्ताराल के स्थान पर, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में नियमित तो हप में जामिल करती है।

[फा. सं. 97/2007-बीओ-1]
जी. बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 1st October, 2008

S.O. 2833—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government, hereby nominates Shri Ashok Chawla, Secretary, Department of Economic Affairs Ministry of Finance to be a Director on the Central Board of Directors of Reserve Bank of India with immediate effect and until further orders vice Dr. D. Subbarao

[F. No. 97/2007-BO-1]
G. B. SINGH, Dy. Secy.
नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2834—भारतीय विनियमन अधिनियम, 1949 (1949 का 10) की धारा 8 : द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय बैंक की सिकारिया पर, एतद्वाया, घोषणा करती है कि उक्त अधिनियम की धारा (1) के खण्ड (ग) के उपक्रम 1-प्र. के उपर्यंथ इंडियन बैंक पर लागू नहीं होंगे, जहां तक उनका नियम इंडियन बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एम. एम. मुक्ताराल का भारतीय बैंकिंग तथा वित्त संस्थान की शासी परिपद, एवं व्यवस्था ग्रहण करते से है।

[फा. सं. 20/17/2006-बीओ-1]
जी. बी. सिंह, उप सचिव

New Delhi, the 6th October 2008

S.O. 2834—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clause (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Indian Bank in so far as it relates to taking up membership of

Shri M. S. Sundrarajan, Chairman & Managing Director, Indian Bank on the governing council of the Indian Institute of Banking & Finance.

[F.No. 20/17/2006-BO-I]
G. B. SINGH, Dy. Secy.

(आर्थिक कार्य विभाग)
नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2835—नियंत्रक प्राधिकारी, भारतीय आर्थिक सेवा नियम, 2008 के नियम 4 के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आर्थिक सेवा बोर्ड के गठन को अधिसूचित करता है अधारित:—

1. मंत्रिमंडल सचिव	—अध्यक्ष
2. सचिव, आर्थिक कार्य विभाग	—सदस्य
3. सचिव, व्यवस्था विभाग	—सदस्य
4. सचिव, वौजना विभाग	—सदस्य
5. सचिव, वाणिज्य विभाग	—सदस्य
6. सचिव, कृषि और सहकारिता विभाग	—सदस्य
7. सचिव, कार्मिक और प्रशिक्षण विभाग	—सदस्य
8. मुख्य आर्थिक सलाहकार, आर्थिक कार्य विभाग	—सदस्य
9. ज्येष्ठ आर्थिक सलाहकार (भारतीय आर्थिक सेवा)/ सलाहकार (भारतीय आर्थिक सेवा)/संयुक्त सचिव (भारतीय आर्थिक सेवा), आर्थिक कार्य विभाग	—सदस्य—सचिव

[फा.सं। 11015/3/2007-आईएस]
राजन कुमार, निदेशक

(Department of Economic Affairs)

New Delhi, the 6th October, 2008

S.O. 2835—In exercise of the powers conferred by sub-rule (2) of rule 4 of the Indian Economic Service Rules, 2008, the Controlling Authority hereby notifies the composition of the Indian Economic Service Board, namely:—

1. Cabinet Secretary	—Chairperson
2. Secretary, Department of Economic Affairs	—Member
3. Secretary, Department of Expenditure	—Member
4. Secretary, Planning Commission	—Member
5. Secretary, Department of Commerce	—Member
6. Secretary, Department of Agriculture and Cooperation	—Member
7. Secretary, Department of Personnel and Training	—Member
8. Chief Economic Adviser, Department of Economic Affairs	—Member

9. Senior Economic Adviser (Indian Economic Service)/Adviser (Indian Economic Service)/Joint Secretary (Indian Economic Service), Department of Economic Affairs. —Member-Secy.

[F. No. 11015/3/2007-IES]

RAJAN KUMAR, Director

नई दिल्ली, 10 अक्टूबर, 2008

का.आ. 2836—केन्द्रीय सरकार, भारतीय जीवन बीमा नियम श्रेणी 3 और श्रेणी 4 कर्मचारी (सेवा के लिंबांधन और शारीर का संशोधन) नियमावली, 1985 के नियम 13 के उप नियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्धारित करती है कि श्रेणी 3 और श्रेणी 4 के प्रत्येक कर्मचारी की 1 अप्रैल, 2007 को आरंभ होने वाली और 31 मार्च, 2008 को समाप्त होने वाली अवधि के लिए बोनस के बदले में भुगतान, उक्त उप नियम में अन्य उपबन्धों के अधीन रखते हुए उसके बेतन के 15 प्रतिशत की दर पर किया जाएगा।

[फा.सं। 2(15)96/बीपा-III],

श्रीमती सुरिन्दर कौर, अधर सचिव

New Delhi, the 10th October, 2008

S.O. 2836—In exercise of the powers conferred by sub-rule (2) of rule 13 of the Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and conditions of service) Rules, 1985, the Central Government hereby determine that, subject to the other provisions of the said sub-rule, the payment in lieu of bonus for the period commencing on 1st day of April, 2007 and ending with 31st March, 2008 to every Class III and Class IV employee shall be at the rate of 15 percent of his/her salary.

[F. No. 2(15)96/Ins. III]

MS. SURINDER KAUR, Under S. c.

विदेश विभाग

(सीमित विविधत)

नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2837—राजनयिक लौटेनी अधिकारी (राष्ट्र प्रबंध संस्कार) अधिनियम 1948 (1948 का 41 का) के छंड 2 के अंक (ii) के अनुसरण में केन्द्रीय सरकार यत्नांदुरा भारत का राजदूतावास, मस्कत में श्री मूर्या दर्जे, ग्राहायक को 26-9-2008 से सहायक कौसली अधिकारी का कार्य जगते हासु प्राथित करती है।

[सं. टी-4330/1/2006]

प्रीतम लाल, अधर सचिव (कौसली)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 26th September, 2008

S.O. 2837—In pursuance of the clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oaths

and fees) Act, 1948, the Central Government hereby authorize Shri Surya Mani Assistant to perform the duties of Assistant Consular Officer in the Embassy of India, Muscat.

[No. T. 4330.1/2008]

PREETAM LAL, Under Secy (Consular)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2638—केन्द्रीय सरकार राजमाला (सेप के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में एतद्वारा मानव संसाधन विकास मंत्रालय के अधीन नियन्त्रित कार्यालयों को, जिनको 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. भारतीय प्रबन्ध संस्थान, प्रबन्ध शिखर, गाँव—पौधाराम, रुड़, इंदौर-453331 (म.प्र.), भारत
2. जवाहर नवाया विद्यालय, वलासपाली-517325, मदनपाली, चिन्हुर तहसील, (आधि प्रदेश)।

[सं. 11011-7/2005-ग.भा.ए.]

अनिल भट्टाचार्य जैन, संदुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 6th October, 2008

S.O. 2838—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Human Resource Development, whose more than 80% members of the staff have acquired working knowledge of Hindi :—

1. Indian Institute of Management Indore, Pithampur Shikhar, Rau-Pithampur Road, Indore-453331 (M.P.), India.
2. Jawahar Navodaya Vidyalaya, Valasapalle-517325, Madanapalle (Post) Chittoor Distt. (A.P.)

[No. 11011-7/2005-ग.भा.ए.]

ANITA BHATNAGAR JAIN, J. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(दूर शिक्षा अनुभाग)

नई दिल्ली, 25 सितम्बर, 2008

का.आ. 2839—केन्द्रीय सरकार दूर चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त ग्रन्तियों का

प्रयोग करते हुए स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार की दिनांक 24 अक्टूबर, 1944 की अधिसूचना सं. का.आ. 430 में एतद्वारा नियन्त्रित करती है; अर्थात् :—

उक्त अधिसूचना में शीर्षक "धारा-3 के प्रत्यक्ष के साथ पठित छाड़ (क) के अंतर्गत 'नार्सिंग' के अंतर्गत क्रम सं. 11 जोड़ी जाएंगी और उसमें नियन्त्रित प्रविधियाँ रखी जाएंगी, अर्थात् :—

"11. डॉ. कृष्ण नंद दुबे नियन्त्रित हरियाणा दंत 25-9-2008" सुपुत्र श्री राम अभिलाष चिकित्सा दुबे पकान नं. 178, परिषद सेक्टर 14, रोहतक-124001

[का. सं. वी. 12013/1/2007-डीई]

राज सिंह, अवार सांचित

MINISTRY OF HEALTH AND FAMILY WELFARE

(Dental Education Section)

New Delhi, the 25th September, 2008

S.O. 2839—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984 namely :

In the said notification under head "Elected under clause (a) read with proviso to Section 3" serial No. 11 may be added and following entries may be inserted therein, namely :—

"11. Dr. Krishna Nand Elected Haryana 25-9-2008
Dubey S/o Shri Ram Dental
Abhilash Dubey Council
H. No. 178, Sector 14,
Rohtak-124001

[F. No. V. 12013/1/2007-DE]

RAJ SINGH, Under Secy.

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2840—रम द्वारा प्रदत्त डॉक्टर आंग मेडिसीन की चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अंतर्गत मान्यताप्राप्त चिकित्सा अर्हता है;

आउन यूनिवर्सिटी स्कूल ऑफ मेडिसिन, राडे, आइलैंड, यू.एस.ए. द्वारा प्रदत्त डॉक्टर आंग मेडिसीन की चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए मान्यताप्राप्त चिकित्सा अर्हता है;

और उक्त अर्हता धारण करने वाले डॉ. रुद्राणी बानिक, अमरीकी राष्ट्रिक, प्रशिक्षण के प्रयोजनार्थी और न कि निजी लाभ के लिए श्राफ आई हास्पिटल, मुंबई से संलग्न हैं।

अतः अब उक्त अधिनियम को धारा 14 की उप-धारा (1) के खंड (ग) के अनुसार में केन्द्रीय सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डॉ. रुद्राणी बानिक के चिकित्सा व्यवसाय की अवधि :—

(क) जून, 2008 से एक वर्ष की अवधि तक; अथवा

(ख) ऐसी अवधि तक जिसके दौरान डॉ. रुद्राणी बानिक श्राफ आई हास्पिटल मुंबई से संलग्न हैं, जो भी लघुतर हो, परिसीमित होगी।

[सं. बी. 11016/1/2008-एनई (नीलि-1)(XIII) भाग]
के. वी. एस. राष्ट्र, उप सचिव

(Department of Health and Family Welfare)

New Delhi, the 1st October, 2008

S.O. 2840—Whereas medical qualification Doctor of Medicine granted by MD Brown University, Rhode Island, USA is recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

Whereas medical qualification Doctor of Medicine granted by Brown University School of Medicine, Rhode Island, USA is a recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Rudrani Banik, USA National, who possess the said qualification is attached to Shroff Eye Hospital, Mumbai for the purpose of training and not for personal gain;

Now, therefore, in pursuance of clause (c) of the sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Rudrani Banik in India shall be limited to :—

(a) a period of One year i.e. from June, 2008 onwards; or

(b) the period during which Dr. Rudrani Banik is attached to Shroff Eye Hospital, Mumbai whichever is shorter.

[No. V.11016/1/2008-ME(Policy-I)(XIII) Pt.]

K.V.S. RAO, Dy. Secy.

भारी उद्योग और लोक डिप्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2841.—सार्वजनिक परिसर (अनधिकृत दखलीकार की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा नीचे दी गई सारणी के कॉलम 1 में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी को श्रेणी के समकक्ष है, उक्त अधिनियम के उद्देश्यों के लिए सम्पदा अधिकारी नियुक्त करती है, जो प्रदत्त शक्तियों का प्रयोग करेगा और उक्त सारणी के कॉलम 2 में विनिर्दिष्ट सार्वजनिक परिसरों के लिए अपने क्षेत्राधिकार की सम्पदा से संबंधित निर्धारित कार्य करेगा।

सारणी	
अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणी और क्षेत्राधिकार का स्थानीय सीमा
(1)	(2)
प्रशासनिक अधिकारी (टाउनशिप), स्टॉफ नं. 5597, रुपनरायणपुर	हिन्दुस्तान केबल्स लि., रुपनरायणपुर इकाई टाउनशिप और एचसीएल, कोलकाता से इकाई, हिन्दुस्तान केबल्स संबंधित परिसर। लि., कोलकाता

[सं. 1(12)/2008-पीई-II]

एम. आर. बाली, अवर सचिव

MINISTRY OF HEAVY INDUSTRY AND PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 1st October, 2008

S.O. 2841—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being officer, equivalent to the rank of Gazetted Officer of Government, to be an Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estates of his jurisdiction in respect of the public premises specified in column 2 of the said Table.

TABLE	
Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Administrative Officer (Township), Staff No 5597, Rupnarainpur Unit, Hindustan Cables Ltd., Kolkata.	Premises belonging to the undertaking of Hindustan Cables Ltd., Rupnarainpur Unit Township as well as premises of HCL, Regional Office, Kolkata.

[No. 1(12)/2008-PE-II]

M.R. BALI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण पंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2842. --भारतीय पानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम (4) के उप नियम (5) के अनुसरण में भारतीय पानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेन्सों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिये गए हैं :-

अनुसूची

क्रम सं.	लाइसेन्स सं.	चालू तिथि	लाइसेन्सधारी का नाम व पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
(1)	(2)	(3)	(4)	(5)
		जुलाई 2008		
01.	8944302	27-06-2008	मैसर्स जगपुर नंगीमसर इण्डस्ट्रीज 19, कलाशपुरा बाईस गोदाम औद्योगिक क्षेत्र, जगपुर-३०२ 006 (राजस्थान)	7098 (भा. 1) : 1988 क्रॉसिंग यांत्रीयिलोन इन्सुलेटेड पीवीसी शीर्षेड केबल्स
02.	8946306	04-07- 2008	मैसर्स रीमानाडा क्रम्यनिकेशन लिमिटेड एसपी-३०८, नी एण्ड ई-३१ गोको औद्योगिक क्षेत्र खुशखांडा, गाँव झगंगी जिला-अलवर ३०१ 707 (राजस्थान)	7098 (भा. 2) : 1988 क्रॉसिंग यांत्रीयिलोन इन्सुलेटेड पीवीसी शीर्षेड केबल्स
03.	8946710	04-07- 2008	मैसर्स सनराइज इण्डिया जिप्सम १७ किमी मार्ग स्टोन जैसलमेर एन.ए. १५, नलबाड़ी जिला बीकानेर (राजस्थान)	2547 (भा. 1) : 1976 जिप्सम निर्माण एक्स्ट्रास्टर
04.	8947712	10-07- 2008	मैसर्स श्री आर्हन केबल्स जी-४४३ ल. १३ नं. १४ निश्चलकमी औद्योगिक क्षेत्र जगपुर-३०२ 013 (राजस्थान)	7098 (भा. 1) : 1988 क्रॉसिंग यांत्रीयिलोन इन्सुलेटेड पीवीसी शीर्षेड केबल्स
05.	8947813	11-07-2008	मैसर्स हीटिंग म्यूल्स प्रा.लि. प्लाट नं. ४२, ब्लॉ-५ एन्ड ५ फैज ३, रंगो औद्योगिक क्षेत्र पिलाडी ३०१ 019 जिला-अलवर (राजस्थान)	2830 : 1992 कार्बन स्टोल क्लेन बिल्ट इनर्स्ट्रम
06.	8949110	17-07-2008	मैसर्स एन्डे (इंडिया प्रम्प्र.) ईंजीनियर्स ग्रा. १५. ए-४०७ प्ला. गेंड नं. १४ निश्चलकमी औद्योगिक क्षेत्र जगपुर ३०२ 013	15500 (भा. 3) : 2004 डीपेल हैंडग्राम्पर, कम्पोनेन्ट्स एण्ड स्पेशल ट्रूला-हैंडपन्न सब-असेम्बलीज

(1)	(2)	(3)	(4)	(5)
07.	8949211	18-07-2008	मैसर्स गुरुदीप ज्वैलर्स मेन मार्केट हनुमानगढ़ टाउन (राजस्थान)	1417 : 1999 स्वर्णपूषणों की हालामार्किंग
08.	8951194	24-07-2008	मैसर्स बीएमआई केबल्स प्रा.लि. एफ-83, एवं 84, खुशखेड़ा रीको औद्योगिक क्षेत्र पिंवाड़ी-301 019 जिला-अलवर (राजस्थान)	1554 (भाा 1) : 1988 पीवीसी इन्सुलेटेड (एच डी) केबल्स
09.	8951295	24-07-2008	मैसर्स बीएमआई केबल्स प्रा.लि. एफ-83, एवं 84, खुशखेड़ा रीको औद्योगिक क्षेत्र पिंवाड़ी-301 019 जिला-अलवर (राजस्थान)	9968 (भाा 1) : 1988 इलास्टोमर इन्सुलेटेड केबल्स
10.	8951905	25-07-2008	मैसर्स लाल्हा अप्लायर्सेज डिग्गी हाड़स के गन्दर टींक रोड, सी-स्कोर्स जयपुर-302 001 (राजस्थान)	374 : 1979 इलैक्ट्रिक सीलिंग टाईप फैन्स एण्ड ऐन्युलेट्स
11.	8952095	25-07-2008	मैसर्स पिक्सिटी प्लाईबोर्ड प्रा.लि. एफ-101 (बी) एवं एफ-108 (सी) रीको औद्योगिक क्षेत्र आगरा रोड, बस्सी जिला-जयपुर (राजस्थान)	303 : 1989 प्लाईबुड फॉर जनरल परपज
12.	8952604	25-07-2008	मैसर्स एस.जी. बायर्स एण्ड केबल्स जे-878, सीतामुरा औद्योगिक क्षेत्र फैज-III, जयपुर (राजस्थान)	694 : 1990 पीवीसी इन्सुलेटेड केबल्स

[सं. सोएमडी 13:11]

पी.के. गम्भीर, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 29th September, 2008

S.O. 2842—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation, 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedules.

SCHEDULE

Sl. No.	Licence No. (CM/1-)	Operative Date (3)	Name and Address of the Licensee (4)	Article/Process covered by the licences and the relevant IS : Designation (5)
(1)	(2)	(3)	(4)	(5)
July 2008				
01.	8944302	27-06-2008	M/s. Jaipur Polymers Industries 19, Kartarpura Bais Godam Industrial Area, Jaipur-302 006 (Rajasthan)	7098 (Part 1): 1988 Cross-linked Polyethylene Insulated PVC Sheathed Cables
02.	8946306	04-07-2008	M/s. Paramount Communication Limited SP-30A, B, & C-31 RHCC Industrial Area, Khuskhera, Village-Karoli, Alwar-301 707 (Rajasthan)	7098 (Part 1): 1985 Crosslinked Polyethylene Insulated PVC Sheathed Cables
03.	8946710	04-07-2008	M/s. Surprise India Gypsum 17 KM Mile Stone Jaisalmer-NH-15, Nalbadi Bikaner (Rajasthan)	2547 (Part 1): 1976 Gypsum Building Plaster
04.	8947712	10-07-2008	M/s. Shree Arshu Cables G-818 A, Road No. 14 V.K.L. Area Jaipur-302 013 (Rajasthan)	7098 (Part 1): 1988 Crosslinked Polyethylene Insulated PVC Sheathed Cables
05.	8947813	11-07-2008	M/s. DSP Steels Pvt. Ltd Plot No. S12, B-4 and 5 Phase III, RHCO Industrial Area Bhiwadi Distt. Alwar-301 019 (Rajasthan)	2830 : 1992 Carbon Steel Cast Billet Ingots
06.	8949110	17-07-2008	M/s. Aneeqa (Urvashi Pumps) Enginnering Pvt. Ltd A-307, S. A. Road, No. 14 V.K.L. Area Jaipur-302 013 (Rajasthan)	1550 (Part 3): 2004 Deepwell Handpumps, Components & Special Tools Handpump Sub-Assemblies
07.	8949211	18-07-2008	M/s. Gankop Jewellers Main Market Hamirpurh Town (Rajasthan)	1417 : 1999 Manufacturing of Gold Jewellery
08.	8951194	24-07-2008	M/s. RMG Cables Pvt. Ltd. F-81, & 82, Kusikhera RHCO Industrial Area Bhiwadi-301 019 Distt. Alwar (Rajasthan)	1553 (Part 1): 1988 PVC Insulated (11D) Cables

(1)	(2)	(3)	(4)	(5)
09.	8951295	24-07-2008	M/s. BMI Cables Pvt. Ltd. F-83 & 84, Kushkhera RIICO Industrial Area Bhiwadi-301019 Distt. Alwar (Rajasthan)	9968 (Part 1) : 1988 Elastomer Insulated Cables
10.	8951905	25-07-2008	M/s. Lamba Appliances Inside Diggi House, Tonk Road C-Scheme Jaipur-302001 (Rajasthan)	374 : 1979 Electric Ceiling Type Fans & Regulators
11.	8952095	25-07-2008	M/s. Pinkcity Plyboard Pvt. Ltd. F-101(B) & F-108(C) RIICO Industrial Area Agra Road, Bassi Distt. Jaipur (Rajasthan)	303 : 1989 Plywood for General Purposes
12.	8952604	25-07-2008	M/s. S.G. Wires & Cables J-878, Sitapura Industrial Area Phase-III, Jaipur (Rajasthan)	694 : 1990 PVC Insulated Cables

[No. CMD/13 : 11]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2843.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विवरण (4) के उप विवरण (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को आगे दर्शाइ तारीख से लाइसेंस स्वीकृत कर दिया गया है।

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत प्रक्रम संबंध एवं भारतीय मानक सहित	स्वीकृत करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	8945405	मैसर्स हंड्रा बेचरेजेस, खसरा नं. 146, ग्राम भेडोरा, नहसील बडबारा, कठनी (म.प्र.)	आईएस 14543 : 2004 पैकेज्ड ड्रिंकिंग वाटर	01-07-2008
2.	8953606	मैसर्स धदोरा इंडस्ट्रिज, 4, सेपी अर्बन इंडस्ट्रियल इस्टेट, झोंगा, टिकमगढ़, (म.प्र.)	आईएस 14255 : 1995 एक्सएलापी इन्स्लूटेड फेस कंडक्टर्स	09-07-2008
3.	8953707	मैसर्स मंगला इंजिनियरिंग लिमिटेड, पूनिट 2, प्लाट नं. 100 बी, इंडस्ट्रियल नं. 3, ए बी रोड, देवास, मध्य प्रदेश	आईएस 8472 : 1998 पाप्य रिजनरेटिव आर विलअर कॉल्ड वाटर	09-07-2008
4.	8949312	मैसर्स खेता इंटरप्राइजेस खसरा नं. 88/29, पानपुरी रिंग रोड नं. 2, बिरांगा, रायपुर (छ.ग.)	आईएस 1415 पार्ट : 1999 सिप्रेक्टर पाइपस	16-08-2008
5.	8950192	मैसर्स आइस रोक फूड एण्ड बेचरेजेस, 791-केटेग्राइंज मार्केट, बेरासिया, रोड, भोपाल-मध्यप्रदेश	आईएस 14543 : 2004 पैकेज्ड ड्रिंकिंग वाटर	16-07-2008

(1)	(2)	(3)	(4)	(5)
6	8954103	मैसर्स जनदीप इस्पात पाइप एलॉयस प्रा.लि. (यूनिट ३), ६६९-६७०, सेक्टर-३, इंदौरस्ट्रीयल एरिया, पीथमपुरा, जिला-धार (म.प्र.)	आईएस २८३० : १९९२ कार्बन स्टील बीलेट इंडिया बीलेट, ब्लूम्स एण्ड स्टील फॉर्म इंडिया स्टीलवरल परसोन	१८-०७-२००८
7	89505964	मैसर्स प्रकाश अस्फारिंग्स पाइप टॉल हाईवे इंडिया लिमिटेड, ग्राम-दुधी, तहसील-भरमपुरा, जिला-धार (मध्य प्रदेश)	आईएस ४५८ : २००३ प्रिकास्ट कंक्रीट पाइप	१८-०७-२००८

[सं. कल्पद्रीय प्रमाणन/13 : 11]
पं.के. गन्भीर, उप महानिदेशक (पुरुष)

New Delhi, the 29th September, 2008

S.O. 2843.—In pursuance of Sub regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licensees particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	License No.	Name and address of the licensees	IS No. and title	Grant Date
(1)	(2)	(3)	(4)	(5)
1	8945405	M/s. Indra Beverages Khasra No. 146, Village Bhadora, Tehsil Badawara, Katni (M. P.)	IS 14543 : 2004 Packaged Drinking Water	01-07-2008
2	8954606	M/s. Bhadora Industries 4, Semi Urban Industrial Estate, Dhonga Tikomgarh (M. P.)	IS 14255 : 1995 XLPE Insulated Aluminium phase conductors and bare Aluminium alloy Messenger Conductors	09-07-2008
3	8953707	M/s. Mangla Engineering Limited (Unit II), Plot No. 100-B, Industrial Area No. 3, A.B. Road, Devas (M. P.)	IS 8472 : 1998 Pumps- Regenerative or clear cold water-Specification	09-07-2008
4	8949312	M/s. Sweta Enterprises, Khasra No. 88/29, Bhanpuri, Ring Road, No. 2, Birgunj, Raipur (C. G.)	IS 14151 (Part 1) : 1999, Irrigation Equipment Sprinkler Pipes Specification- Part 2 : Quick Coupled Polyethylene Pipes	16-07-2008
5	8940192	M/s. Ice Rock Food and Beverages, 791-Categorised Market, Bairasnia Road, Bhopal, (M. P.)	IS 14543 : 2004 Packaged Drinking Water	16-07-2008
6	8950596	M/s. Prakash Asphaltins and Toll Highways (India) Limited, Village Dudhi, Tehsil Dharampuri Dhar (MP)	IS 458 : 2003 Specification for Pre-cast Concrete Pipes with and without Reinforcement	18-07-2008
7	8951101	M/s. Jaideep Ispat and Alloys Pvt. Limited (Unit II), 669-670, Sector-III, Industrial Area, Pithampur (M. P.)	IS 2830 : 1992 Carbon steel cast billets, ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	18-07-2008

[No. CMD 13, 11]

P. K. GAMBIHIR, Dy. Director General (Marks)

नई दिल्ली, 30 सितम्बर, 2008

का.आ. 2844.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक यदि कोई हो, की संख्या और वर्ष	स्थापित सिद्धि
(1)	(2)	(3)	(4)
1.	आई एस 15782 : 2008 वस्त्रादि-वस्तुओं के ज्वलन से निकले खुएं द्वारा दृश्यता के हास को ज्ञात करने की पद्धति	नहीं	अगस्त, 2008

अब वह भारतीय मानक बिक्री के लिये उपलब्ध होगा।

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो के मुख्यालय मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाला कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, काशीपुर, पटना, पूर्णे तथा सिर्वनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएसडी/जी-25]

ली. भट्टनागर, वैज्ञानिक 'ई' एवं प्रमुख (टीएसडी)

New Delhi, the 30th September, 2008

S.O. 2844.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 15782: 2008 Textiles-Method For Determining Deterioration of Visibility due to Smoke Released on Combustion of Materials	Nil	August, 2008

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Macalik Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P.BHATNAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, 30 सितम्बर, 2008

का.आ. 2845.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अन्तर्राष्ट्रीय

क्रम स्थापित अंतर्राष्ट्रीय अधिकार वाले संस्कृत, भार्या और शोधभासंस्कृत्या

तथे भारतीय मानक द्वारा अधिकारीमत
भारतीय मानक अथा मानकों धर्दि कोई
हो, की
संख्या और वर्ष

स्थापित तिथि

(1)	(2)	(3)	(4)
1. आई एस 765:1979 और 105 से 10: 2006 वस्त्रादि एवं के पत्तकरत या रखीकृत भाग सी 10 सालों या सालों और सोडा से धुलाई पर रंग का प्रकारण	आई एस 687:1979, आई एस 364:1979, आई एस 765:1979, आई एस 3361:1979, आई एस 3417:1979	सितम्बर, 2008	

अब यह भारतीय भूतका जिक्री के लिये उपलब्ध होगा।

इस भवानों का नाम यहीं प्रतिवर्ष 100 लोक मासिक व्यापार के मुद्रशालाय, पानक भवन, ५, बहादुर शाह जाफर मार्ग, नई दिल्ली-110002 और इसके भवानीय घोटाले, जहां दिल्ली विधायक सभा, चार्चेंगड, जैनई, सुन्दरी तथा शाखा कार्यालयों; अहमदाबाद, गोलांग, भोपाल, भुवनेश्वर, कोयम्बत्तूर, गुलाकारी, हैदराबाद, बैंगलूर, गोवा, पुण तथा निकूचनला पर्याय में बिक्री होत उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी-25]

पी. घटनाएँ, यंत्र-नक 'ई' एवं प्रमुख (टोएक्सडो)

New Delhi, the 20th September, 2008

S.O. 2844—In pursuance of clause (b) of sub-clause (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

REFERENCES

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS:ISO 105-C03:1980 Textiles- Tests for colour fastness Part 1: 10 C. Indigo Fastness to Washing With Soap or Soap and Detergent	IS:687:1979, IS:764:1979, IS:765:1979, IS:3361:1979 and IS:3417:1979	September 2008

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Monak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices in New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhujnagashwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Port Blair, Thiruvananthapuram.

[Ref: TXD/G-25]

P. BHATNAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, १ अक्टूबर, 2008

का.आ. 2646. - भारतीय मानक अद्यते नियम, 1987 के फिल्मों के उपनियम (1) के छाँड़ (छ) के अनुसरण में भारतीय मानक अद्यते एवं दृष्टि अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अन्वयनी में दिया गया है वह स्थानित हो रहा है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 737:2008 सामान्य इंजीनियरी प्रयोजनों के लिए पिटको एल्यूमिनियम एवं एल्यूमिनियम मिश्र धातु की चादर एवं पत्ती- विशिष्टि (चौथा पुनरीक्षण)	आईएस 737:1986	30 सितम्बर, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बैंगलौर, बोधाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी-7/टी-14]

डा. (श्रीमति) स्नेह भाट्ला, वैज्ञानिक एवं प्रमुख (एमटीडी)

New Delhi, the 1st October, 2008

S.O. 2846.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 737: 2008 Wrought aluminium and aluminium alloy sheet and strip for general engineering purposes- Specification (Fourth revision)	IS 737:1986	30 September, 2008

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices at New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD-7/T-14]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2847.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसार में भारतीय मानक व्यूरो एवं द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 1136:2008 पिटको धातु उत्पादों के लिए अधिमानित आकार (तीसरा पुनरीक्षण)	आईएस 1136:1990	30 सितम्बर, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक व्यांग मानक सभन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रोंमें कार्यालयों : नई दिल्ली, बोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, बोम्बे, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूर्ण तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[मंदर्थ : एमटीटी-4 टी-6]

डा. (श्रीमति) स्नेह भाटला कर्मचारी पाक एवं प्रमुख (एसटीटी)

New Delhi, the 1st October, 2008

S.O. 2847.—In pursuance of clause (b) of sub-clause (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 1136: 2008 Preferred sizes for wrought metal products (third revision)	IS 1136:1990	30 September, 2008

Copy of this Standard is available for sale with Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref MTD-7 T-6]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2848.—भारतीय मानक व्यूसे नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूसे एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वह स्थानित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों)को संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यांत्रि कोई हो, को संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 2540:2008 चूड़ीदार खुले छिद्र के लिए आयाम (पहला पुनरीक्षण)	—	सितम्बर, 2008
2.	आईएस 15790:2008/आईएसओ 15654:2004 संचरण एरिशुट्टा रोलर चेनों की श्रान्ति परीक्षण यद्यपि	—	सितम्बर, 2008

इन भारतीय मानकों की प्रतियां भारतीय मानक व्यूसे, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, बोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, बोम्बे, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[मंदर्थ : पीजीडी/जी-3.5]
सु. भद्राचार्य, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 3rd October, 2008

S.O. 2848.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

SL No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 2540: 2008 Dimensions for threaded centre holes (first revision)	-	September 2008
2.	IS 15790:2008/ISO 15654:2004 Fatigue test method for transmission precision roller chains	-	September, 2008

Copy of these Standards is available for sale with Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolcatta Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. PGD/G-3.5]

S. BHATTACHARYA, Scientist 'F' & Head (PGD)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2849.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के छांट (ख) के अनुसार में भारतीय मानक व्यूरो एकद्वारा अधिसूचित करता है कि निम्न भारतीय मानक में संशोधन किया गया/ किए गए हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक को संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधित लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15268 (भाग 1): 2002/आईएसओ 8037-1:1986 प्रकाशिकी और प्रकाशिक उपकरण- माइक्रोस्कोप- स्लाइड भाग 1 आयाम, प्रकाशित गुणधर्म और मुहरांकन पद्धति	1	अगस्त, 2008
2.	आईएस 15268 (भाग 2): 2002/आईएसओ 8037-2:1997 प्रकाशिकी और प्रकाशिक उपकरण- माइक्रोस्कोप- स्लाइड भाग 2 सामान की गुणवत्ता, फिलिश तथा पैकेजिंग का तरीका	1	सितम्बर, 2008
3.	आईएस 15270 (भाग 1): 2002/आईएसओ 8255-1:1986 प्रकाशिकी और प्रकाशिक उपकरण- माइक्रोस्कोप- आयाम ग्लास भाग 1 आयाम, छूटें, मोटाई और प्रकाशित गुणधर्म	1	अगस्त, 2008

(1)	(2)	(3)	(4)
4.	आईएस 15270 (भाग 2) : 2002/आईएसआर 8255-2:1997 प्रकाशिकी और प्रकाशिक उपकरण माइक्रोस्कोप आवरण ग्लास भाग 2 मापान की गुणता, फिल्श तथा पैकेंजिंग का वरीका	1	सितम्बर, 2008

इन भागीय मानकों के संशोधनों को प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और
क्षेत्रीय कार्यालयों ; नई दिल्ली, कोलकाता, चान्दीगढ़, चेन्नई, मुम्बई तथा शास्त्र कार्यालयों ; अहमदाबाद, बंगलौर, घासाल, भुवनेश्वर, कोशल्कुरा,
गुवाहाटी, हैंदराबाद, जयपुर, कानपुर, नागपुर, पटना, गोप्ता तथा तिरुचनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : पीजीडी (जी-3.5)]

सु. भद्राचर्य, वैज्ञानिक 'ई' एवं प्रमुख (पीजोडी)

New Delhi, the 3rd October, 2008

S.O. 2849.—In pursuance of clause (h) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been amended on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Amendments & Date	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15268: (Part 1) 2002/ISO 8037-1: 1986 Optics and optical instruments- Microscopes- Slides Part 1 Dimensions, optical properties and marking	1	August, 2008
2.	IS 15268: (Part 2) 2002/ISO 8037-2: 1997 Optics and optical instruments- Microscopes- Slides Part 2 Quality of material, standards of finish and mode of packaging	1	September, 2008
3.	IS 15270: (Part 1) 2002/ISO 8255-1: 1986 Optics and optical instruments- Microscopes- Cover glasses Part 1 Dimensional tolerances, thickness and optical properties	1	August, 2008
4.	IS 15270: (Part 2) 2002/ISO 8255-2: 1997 Optics and optical instruments- Microscopes- Cover glasses Part 2 Quality of materials, standards of finish and mode of packaging	1	September, 2008

Copy of these amendments Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9,
Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai
and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur,
Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PGD G-3.5]

S. BHATTACHARYA, Head (PGD)

नं। 10-201, 3 अक्टूबर, 2008

का.आ. 2850.—भारतीय मानक नं। 10219, 1988 के नियन्त्रण द्वारा दिया गया अनुसरण में भारतीय मानक ब्यूरो
एवं द्रुतगति अधिकारी ने इसे विभ. नियन्त्रण द्वारा विभ. नियन्त्रण द्वारा दिया गया है।

अनुसूची

क्रम सं.	लाइसेंस सं.	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
	सीएम/एल			
1.	7425269	अमिधारा मिनरल तथा सोडा वॉटर प्रोजेक्ट, एनएच धुलिया रोड, सर्वे नंबर 29 एट कानपुर गाँव हैंड पोस्ट वायरा सूरत	पैकेजबैंड पेयजल, आईएस 14543:2004	6-4-2008
2.	7537179	श्री लक्ष्मी खुड हंडस्ट्रीज़, उजोड़िया रोड एट महियाल तालुक, टालोड साबरकांठ 383215	प्लाईबुड फॉर जनरल प्रपर्स, आईएस 303:1989	7-7-2008
3.	7564990	भगवद ध्वज मार्केटिंग प्री. लि, तालव किनारा, सोला गाम, तालुक डेस्करोल, अहमदाबाद	पैकेजबैंड पेयजल, आईएस 14543:2004	15-7-2008

[सं. सीएमडी 13:13]

पी.के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 3rd October, 2008

S.O. 2850.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl.	Licence No. CM/L-	Name and Address of the licensee	Article/ Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	7425269	Amidhara Minerals and Soda Water product NH Dhulia Road, Survey No. 29 at kanpur village Head Post Vyara Distt Surat	Packaged Drinking Water, IS 14543:2004	6-4-2008
2.	7537179	Shree Laxmi Wood Industries, Ujediya Road, At Mhiyal, Tal Talod, Distt Sabarkantha 383215	Plywood for General Purposes, IS 303:1989	7-7-2008
3.	7564990	Bhagvad Dhwaj marketing Pvt. Ltd., Talav kimara, Sola Gam, Tal Daskrol, Ahmedabad	Packaged Drinking Water. IS 14543:2004	15-7-2008

[No. CMD/13:13]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2851.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के छांड (छ) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक(को) में संशोधन किया गया/ किये गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक को संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6044 (भाग 1): 2000 द्रवित पेट्रोलियम गैस भंडागण संयंत्रों की रोति संहिता, भाग 1 वाणिज्यिक तथा औथोगिक सिलिंडर, संयंत्र (पहला पुनरीक्षण)	संशोधन नं. 1 सितंबर, 2008	30 सितंबर, 2008

(1)	(2)	(3)	(4)
2.	आई एस 12798:1989 घरेलू सिलाई मशीन फ्लाई व्हील- विशिष्टि	संशोधन नं. 1 सितंबर 2008	30 सितंबर 2008
3.	आई एस 13872:1993 घरेलू सिलाई मशीन टांका रायलेटर- विशिष्टि	संशोधन नं. 2 सितंबर 2008	30 सितंबर 2008
4.	आई एस 13972:1994 घरेलू सिलाई मशीन बोविन बांडिंग मसुन्चय- विशिष्टि	संशोधन नं. 1 सितंबर 2008	30 सितंबर 2008
5.	आई एस 14899:2000 स्वचल उपयोग के लिए द्रवित पैट्रोलियम गैस (एल. पी. जी.) के धारक- विशिष्टि	संशोधन नं. 5 सितंबर 2008	25 सितंबर 2008

इस संशोधन को प्रतियोगी भारतीय मानक व्युगे, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा जान्मा कार्यालयों आहमदाबाद, बंगलौर, भोपाल, बृहत्पश्चिम, कोयम्बूरु, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनंतपुरम में विक्री हेतु उपलब्ध हैं।

[मंदर्भ : एस. इ. डी. जी. 201]

सौ. के. वैद्य, वैज्ञा. एफ. एवं प्रमुख (एम. इंजीनियरिंग)

New Delhi, the 3rd October, 2008

S.O. 2851. --In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard	No. and year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10441 (Part 1) 2000 Code of practice for liquefied petroleum gas storage installations Part 1 Commercial and industrial cylinder installations (First Revision)	Amendment No. 1 September 2008	30 September 2008
2.	IS 12798:1989 Household sewing machine- Flywheels - Specification	Amendment No. 1 September 2008	30 September 2008
3.	IS 13872:1993 Household sewing machine- Stretch regulators - Specification	Amendment No. 2 September 2008	30 September 2008
4.	IS 13972:1994 Household sewing machines- Bobbin winder assembly - Specification	Amendment No. 1 September 2008	30 September 2008
5.	IS 14899:2000 Liquefied petroleum gas (LPG) containers for automotive use- Specification	Amendment No. 5 September 2008	25 September 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: M/D/G-2/1]

कोयला मंत्रालय

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2852.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 4921 तारीख 19 दिसम्बर, 2006 द्वाया और जो भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 23 दिसम्बर, 2006 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में और उस पर के सभी अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और छत्तीसगढ़ सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथा वर्णित 559.149 हेक्टर (लगभग) या 1381.657 एकड़ (लगभग) मापवाली भूमि में और उस पर के सभी अधिकार अर्जित किए जाने चाहिए।

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 की उपधारा (1) द्वाया प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में यथावर्णित 559.149 हेक्टर (लगभग) या 1381.657 एकड़ (लगभग) मापवाली भूमि में और उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम/(पीएलजी)/ भूमि/ 318 तारीख 12 मई, 2008 का निरीक्षण कलेक्टर, रायगढ़ (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, कांडसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या सातथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपट रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकेगा।

अनुसूची

कुरुमकेला ब्लॉक (भाग-II) जामपाली, मांड-रायगढ़ कोलफील्ड्स

जिला-रायगढ़ (छत्तीसगढ़)

(रेखांक सं. एसईसीएस/बीएसपी/जीएम/(पीएलजी)/भूमि/318 तारीख 12 मई, 2008)

सभी अधिकार

क्रम संख्या	ग्राम का नाम	बंदोबस्त संख्या	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	कोसमघट	46	17	घरघोड़ा	रायगढ़	6,336	भाग
2.	चोधरा	93	17	घरघोड़ा	रायगढ़	57,916	भाग
3.	कुरुमकेला	31	17	घरघोड़ा	रायगढ़	503,397	भाग

कुल : 559.149 हेक्टर (लगभग)

या 1381.657 एकड़ (लगभग)

अर्जित किए गए प्लाट संख्या का वर्णन :

- (1) ग्राम कोसमघट (भाग) में अर्जित किए गए प्लाट संख्या : 632/1 और 633/1
- (2) ग्राम चोधरा (भाग) में अर्जित किए गए प्लाट संख्या : 1/1, 1/2, 2 से 12, 25, 28 से 42 और 44.
- (3) ग्राम कुरुमकेला (भाग) में अर्जित किये प्लाट संख्या : 173 से 189, 190/1, 190/2, 191 से 208, 202, 203, 206/1, (भाग), 206/2 (भाग), 207 से 210, 308(भाग), 309/1, 310 से 322, 323 (भाग), 330 (भाग), 332 से 350, 351/1, 351/2, 351/3, 352 से 354, 355 (भाग), 357 से 387, 388/1, 388/2, 389 से 393, 394/1, 394/2, 394/3, 395 से 398, 399/1, 399/2, 399/3, 399/4, 399/5, 400 से 417, 418/1, 418/2, 418/3, 419 से 425, 426/1, 426/2, 427 से 430, 431/1, 431/2, 432 से 438, 440 से 465, 466 (भाग), 467 से 491, 492/1, 492/2, 493 से 495, 496/1, 496/2, 497, 498, 499, 500 (भाग), 514 (भाग), 515, 516, 517/1 (भाग), 528/1 क (भाग), 528/2, 528/52, 528/53, 528/54, 528/65 और 183/1983

सोमा छर्ण

क-ख रेखा, ग्राम कुदुमकेला-गुमलदा यांती की सीधी गोन्ह पर "क" बिन्दु से अर्थ होती है और यांती यांती कुदुमकेला-गुमलदा योग्य-पुस्तात ग्रामों की रूपरेखा सोमा या गोन्ह हुई "ख" बिन्दु पर मिलती है।

ख-ग रेखा, ग्राम धोबरा के प्लाट संख्या 1/2, 12, 25, 16, 28, 39, 42, 38, 44 की उत्तरी ओर 27 तक हुई "ग" बिन्दु पर मिलती है।

ग-घ रेखा, ग्राम कुदुमकेला में प्रवेश करती है अंग भाल के उत्तरी सोमा से गुजरती है फिर प्लाट संख्या 1/2 की उत्तरी ओर से गुजरती हुई "घ" बिन्दु पर मिलती है।

घ-ङ रेखा, ग्राम कुदुमकेला के प्लाट संख्या 438, 440, 441 को पूर्वी सीमा, के साथ-साथ

घ-ङ प्लाट संख्या 500 से प्लाट संख्या 497 को पूर्वी सीमा के साथ-साथ प्लाट संख्या 500, 512 में होती हुई प्लाट संख्या 512/1 की तृतीय सीमा से गुजरती हुई "ङ" बिन्दु पर मिलती है।

ङ-ज रेखा, ग्राम कुदुमकेला के प्लाट संख्या 517/1, 566 से, प्लाट संख्या 528/54 ।

ज 528/53, 528/52, 528/2 की दक्षिणी भोमा किंवा उत्तरी भोमा की परिचमी सीमा से गुजरती हुई "ज" बिन्दु पर मिलती है।

झ-ञ रेखा, ग्राम कुदुमकेला के प्लाट भोमा 528/1 के 308, 309, 310 में प्लाट संख्या 309/1 की दक्षिणी भोमा का प्लाट संख्या 308 से गुजरती हुई "ञ" बिन्दु पर मिलती है।

अ-ट रेखा, ग्राम कुदुमकेला के प्लाट संख्या 308, 323 में प्लाट संख्या 317 की परिचमी सीमा, प्लाट संख्या 330 से, प्लाट संख्या 333, 337 की पाइक्यमी सीमा, प्लाट संख्या 335 से फिर प्लाट संख्या 357, 358, 359, 209, 210 को गतर्कर्ता सीपा, प्लाट संख्या 206/1, 206/2 से, प्लाट संख्या 200, 202 की परिचमी सीमा से गुजरती हुई "ट" बिन्दु पर मिलती है।

ट-ठ-ङ-ङ-ण रेखा, ग्राम कुदुमकेला के प्लाट संख्या 174, 173 की दक्षिणी सीमा तथा प्लाट संख्या 173 की परिचमी सीमा से गुजरती है फिर ग्राम कोम्पांगट वंश प्रवेश करती है और 632/1, 633 । की परिचमी सीमा, प्लाट संख्या 633 । की उत्तरी सीमा से गुजरती हुई "ण" बिन्दु पर मिलती है।

ण-क रेखा, भागत, ग्राम कुदुमकेला-कोसमधार की सीधी भागत सीमा से गुजरती हुई अर्थभक "क" बिन्दु पर मिलती है।

[सं. 43015 & 2006 पोआडाइडब्ल्यू. 11 बाल्य. 11]

एष. शहारुद्दीन, अक्तर मिश्र

MINISTRY OF COAL

New Delhi, the 29th September, 2008

S.O. 2852. — Whereas, by the notification of the Government of India in the Ministry of Coal number S. O. 4921 dated the 19th December, 2006, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 23rd December, 2006, the Central Government gave notice of its intention to acquire the land as all rights in or over such lands specified in the Schedule appended to that notification.

And, whereas, the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government after considering the aforesaid report and after consulting the Government of Chhattisgarh, is satisfied that the land measuring 559.149 hectares (approximately) or 1381.657 acres (approximately) as all rights in or over such lands as described in the Schedule appended hereto, should be acquired:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby declares that the land measuring 559.149 hectares (approximately) or 1381.657 acres (approximately) as all rights in or over such lands as described in Schedule are hereby acquired.

The plan bearing number SECL/BSP GM (Plg) LAND/318 dated the 12th May, 2008, of the area covered by this notification may be inspected in the Office of the Collector, Raigarh, (Chhattisgarh) or in the Office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or in the Office of the South Eastern Coalfield Limited, (Revenue Section), Seepat Road, Bokaspur-495 006 (Chhattisgarh).

SCHEDULE

Kurumkela Block (Part-II) Jampali, Mand-Raigarh Coalfield

District-Raigarh (Chhattisgarh)

(Plan bearing number SECL/BSP/GM/(Plg)/LAND/318 dated the 12th May, 2008)

All Rights

Sl. No.	Name of village	Settlement Number	Patwari Halka Number	Tehsil	District	Area in hectares	Remarks
1.	Kosamghat	46	17	Gharghoda	Raigarh	0.336	Part
2.	Ghoghra	— 93	17	Gharghoda	Raigarh	57.916	Part
3.	Kudumkela	31	17	Gharghoda	Raigarh	500.897	Part

Total:- 559.149 hectares (approximately) or 1381.657 acres (approximately)

Details of Plot number acquired :

- 1) Plot numbers acquired in village Kosamghat (part)- 632/1 and 633/1.
- 2) Plot numbers acquired in village Ghoghra (part)-1/1, 1/2, 2 to 12, 25, 28 to 42 and 44.
- 3) Plot Numbers acquired in village Kudumkela (part): 173 to 189, 190/1, 190/2, 191 to 200, 202, 203, 206/1 (part), 206/2 (part), 207 to 210, 308(part), 309/1, 310 to 322, 323 (part), 330 (part), 332 to 350, 351/1, 351/2, 351/3, 352 to 354, 355 (part), 357 to 387, 388/1, 388/2, 389 to 393, 394/1, 394/2, 394/3, 395 to 398, 399/1, 399/2, 399/3, 399/4, 399/5, 400 to 417, 418/1, 418/2, 41813, 419 to 425, 426/1, 426/2, 427 to 430, 431/1, 431/2, 432 to 438, 440 to 465, 466 (part), 467 to 491, 492/1, 492/2, 493 to 495, 496/1, 496/2, 497, 498, 499, 500 (part), 514 (part), 515, 516, 517/1 (part), 528/1 k (part), 528/2, 528/52, 528/53, 528/54, 528/65 and 183/1983.

Boundary Description

A-B Line starts from point "A" on the Common boundary of villages Kudumkela-Pusalda and passes partly along the common boundary of villages Kudumkela-Pusalda, Ghoghra-Pusalda and meets at point "B".

B-C Line passes in village Ghoghra along the Northern boundary of plot numbers 1/2, 12, 25, 10, 28, 39, 42, 38, 44, and meets at point "C".

C-D Line enter in village Kudumkela and passes along the Northern boundary of Nalla, then Northern boundary of Plot number 438 and meets at point "D".

D-E-F-G Line passes in village Kudumkela along Eastern boundary of plot numbers 438, 440, 441, through plot number 500, along the Eastern boundary of plot number 497 through plot numer 500, 514 Eastern boundary of plot number 517/1 and meets at point "G".

G-H-I Line passes in village Kudumkela through plot numbers 517/1, 466, Southern boundary of plot numbers, 528/54, 528/53, 528/52, 528/2, then Western boundary of plot number 528/2 and meets at point "I".

I-J Line passes in village Kudumkela through plot numbers 528/1k, 308, Southern boundary of plot number 309/1, then through plot number 308, and meets at point "J".

J-K Line passes in village Kudumkela through plot numbers 308, 323, Western boundary of plot number 317, through plot numer 330, Western boundary of plot numbers 333, 337 through plot number 355, then Western boundary of plot numbers 357, 358, 359, 209, 210, through plot numbers 206/1, 206/2, Western boundary of plot numbers 200, 202 and meets at point "K".

K-L-M Line passes in village Kudumkela southern boundary of plot numbers 174, 173 Western boundary of plot number.

N-O 173, then enter in village Kosamghat and passes along Western boundary 632/1, 633/1 Northern boundary of plot number 633/1 and meets at point "O".

O-A Line passes partly along the common boundary of villages Kudumkela-Kosamghat and meets at the starting point "A".

नई दिल्ली 29 सितम्बर, 2008

का. अ. 2853. कन्द्रीय सरकार ने कोयला भारत क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (i) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 4209, दारेखंड 19 अक्टूबर, 2006 और जो भूमि के पारदर्शन धारा 2, खण्ड 3, उपखण्ड (ii) तारीख 28 अक्टूबर, 2006 में प्रकाशित की गई थी, द्वारा उसमें संलग्न अनुसूची में और इस अधिनियम में भी संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में 152.997 हेक्टर (लगभग) माप वाली भूमि में कांचने या गवेशण करने के अपने अर्जन को मूल्यांकन दी थी;

और उक्त भूमि को यावत उक्त अधिनियम की धारा 4 की उपधारा (i) के अधीन कोई मुद्रण नहीं दी गई;

अतः अब कन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उपरोक्त अधिसूचना की विधिमान्यता को, 19 अक्टूबर, 2008 से आमंत्र होने वाली एक वर्ष की और अवधि के लिए, एसी भविष्य के रूप में, विस्तारित करती है जिसके भीतर कोड्रेय सरकार उक्त भूमि का या एसी भूमि में या उस पर के किसी अधिकार का अर्जन करने के अपने आशय की सूचना दे सकेगी।

अनुसूची

द्वारेखंड विमोन, द्विरिया कॉलफील्ड

कला यांकारो, झारखण्ड

रेखांक सं. जीडी.ए. ४८० तारीख 10 अक्टूबर 2008

क्रम संख्या	ग्राम	धारा	भूमि का अनुसूची	जिला	क्षेत्रफल (एकड़)	क्षेत्रफल (हेक्टरमें)	टिप्पणी
1	पालारी	चन्द्रपुर	३०	बोकारो	158.636	64.199	आंशिक
2	पालारी	चन्द्रपुर	१८	बोकारो	99.827	40.399	आंशिक
3	पालारी	चन्द्रपुर	१५	बोकारो	59.797	24.199	आंशिक
4	पालारी	चन्द्रपुर	४८	बोकारो	40.030	16.200	आंशिक
5	पालारी	चन्द्रपुर	३८	बोकारो	19.768	8.000	आंशिक
कुल 378.058 एकड़ (लगभग) या 152.997 हेक्टर (लगभग)							

[म. 43015/2/2006-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अव्यापक

New Delhi - the 29th September, 2008

S.O. 2853. Whereas, by the notification of the Government of India in the Ministry of Coal number S. O. 4209 dated the 19th October, 2006, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, section 3, sub-section (ii) dated the 28th October, 2006, the Central Government gave notice of its intention to prospect for coal in lands measuring 152.997 hectares (approximately) in the locality specified in the Schedule appended thereto and also in the Schedule annexed to this notification;

And, whereas, in respect of the said lands, no notice under sub-section (1) of Section 7 of the said Act, has been given;

Now, therefore, in exercise of the power, conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby extend the validity of the above notification for further period of one year commencing from the 19th October, 2008 as the period within which the Central Government may give notice of its intention to

SCHEDULE

Chandrapura Sub-Basin, Jharia Coalfields
District Bokaro, Jharkhand

Drawing no Geo/470 dated 10th May, 2008

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Area in hectares	Remarks
1	Pipradih	Chandrapura	107	Bokaro	158.636	64.199	Part
2	Chandrapura	Chandrapura	108	Bokaro	99.827	40.399	Part
3	Ratari	Chandrapura	110	Bokaro	59.797	24.199	Part
4	Rangamati	Chandrapura	87	Bokaro	40.030	16.200	Part
5	Ghatiari	Chandrapura	88	Bokaro	19.768	8.000	Part

Total 378.058 acres (approximately)
or 152.997 hectares (approximately)

[No. 43015/2/2006-PRTW-I]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2854.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसार में, और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 831 तारीख 1 अप्रैल, 2004 को अधिकारांत करते हुये श्री डॉ. श्री. रहेवर, डिप्टी कलक्टर, गुजरात सरकार को प्रतिनियुक्ति पर गुजरात राज्य के राज्य क्षेत्र के भीतर एच.पी.सी.एस. मित्तल पाइपलाइन्स लिमिटेड (एच.एम.पी.एल) की मुंद्रा-भट्टांग पाइपलाइन परियोजना के लिये उक्त अधिनियम के अधीन सक्षम अधिकारी के कृत्यों का पालन करने के लिये प्राप्तिकृत करती है।

[सं. आर-31015/28/2008-ओ आर-II]

अरुणोदय गोस्वामी, अलवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th September, 2008

S.O. 2854.—In pursuance of Clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of notification number S.O. 831 dated the 1st April, 2004, the Central Government hereby authorizes Shri D.B. Rahevar, Deputy Collector, Government of Gujarat on deputation to HPCL-Mittal Pipelines Limited to perform the functions of the competent Authority for the Mundra-Batinda Pipeline Project, under the said Act, within the territory of the State of Gujarat.

[No. R-31015/28/2008-OR-II]

ARUNODAY GOSWAMI, Under Secy.

नई दिल्ली 10 अक्टूबर, 2008

का. आ. 2855.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में ए.के.एम. ओ.एन.जी.सी. जी.जी.एस. से साड़थ इण्डिया इंडिस्ट्रियल प्रा.लि. तक पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए, गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाए जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुमूली में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की प्रोत्त्वणा करती है;

कोई व्यक्ति, जो उक्त अनुमूली में वर्णित भूमि में हितवद्धु है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (i) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इकाईस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, कान्त्रेरी बैंगिन, 172-कमराजर मार्ग, कराईकल-609 602 को लिखित रूप में आंकेप संकेगा।

अनुसूची

जिला	तालुका	भौंक	संख्या	शेषांक
थिरुवृहत्त	थिरुवृहत्त	19. अलिम्पालम	130-1	
			18-1	
			17-1	
			17-2	
			17-3	
			18-1	
			कुल	245.5

[नं. एस. 140(4) 2008-2009-2010]
संह. प्रभा पत्रक, अवधि 2009

New Delhi, the 10th October, 2008

S.O. 2855.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of Natural Gas from AKMONGC & Co. Ltd., South India Edible Pvt. Ltd. gas pipeline project in the State of Tamilnadu, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of Use in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers contained by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act 1962 (50 of 1962), Government of India hereby directs its intention to acquire the right of use therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under (1) to Competent Authority, GAIL (India) Limited, Gavuram 122, 172-Kamarajar Road, Taramakal-600602.

SCHEDULE

District	Taluka	Village	Survey No.	Area (acres)
Thiruvarur	Thiruvarur	19. Alivelam	130-1	
			18-1	
			17-1	
			17-2	
			17-3	
			18	0.03764 P
			Total	0.455

[No. 1-24014-22-753, 2008]

नई दिल्ली: 10 अक्टूबर, 2008

का. आ. 2856.—भारत सरकार को लोकहित में यह आवश्यक एवं ज्ञात होता है कि तमिलनाडु राज्य में गैसोल, साउथ इण्डिया ईडिबल प्रा. लि. से नारेमानम 100% प्राप्ति वह गैस नाइट्रोजन गैसिफिकेशन से मध्यम से प्राकृतिक गैस (नाइट्रोजन के निम्न गैस (डीऑक्सी) हिमिटेट डायर, एक पाइपलाइन) को ज्ञानी चाहती है;

और भारत सरकार को यह तमिलनाडु विभाग के प्रश्नोत्तर के लिए यह आवश्यक प्रतीक है कि यह इन में लिखमें उक्त भाइपलाइन किछाए जाने का अनुमति है कि जो इस अभियान में संलग्न अनुसूची में वर्णित है, वह यह का अधिकार का अन्तर किया जाए;

अतः अब, भारत सरकार इण्डियम और भारिज पाइपलाइन (भूमि में उत्थायोग के अधिकार का अधिकार, 1962 (1962 का 50) की धारा 3 की उपलब्धि) 1. द्वाग पद्धत शास्त्रियों का ज्ञान करते हुए, उस भूमि में उत्थाया 3. अधिकार का अर्जन करने के अपने आशय की घोषणा करता है;

कोई लक्षित, जो उक्त अनुसूची में वर्णित भूमि में हितवड़ है, उम्मीदों से जिसको उक्त विभाग नामकरण को धारा 3 की उपलब्धि (1) के अधीन भारत के गजाय 1. यह यज्ञोश्ल इम अभियान की उत्तिर्य साधारण जनता को उपलब्ध कराती है, इक्कीस दिन के पीतर, भूमि के नीचे पाइपलाइन बिल्डर जाने के संबंध में स्वयं प्राप्तिकारी, गैल (इण्डिया) लिंग, कल्वी रोम्पन, 122-कमराजर मार्ग, कराइकल-609 602 का 1. अंतर्गत इन में आश्रय भीज सकेंग।

अनुसूची

जिला	तालुका	भौंक	संख्या	शेषांक (हेक्ट. मी)
थिरुवृहत्त	थिरुवृहत्त	19. अलिम्पालम	280	0.040
			कुल	0.040
			17. नाइट्रोजनगालम	2/1 0.03.0 लीपी
			3/1	0.01.5
			11. उसी	0.02.5
			कुल	0.12.0

[नं. एस. 14014-28-2008-जी.पी.]

संह. प्रभा पत्रक, अवधि 2009

New Delhi, the 10th October, 2008

S.O. 2856.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of Natural gas from AKM South India Edible Pvt. Limited to Natiocarbon Silicates gas pipeline project in the State of Tamilnadu, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of Use in land under which the said

pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery Basin, 172-Kamarajar Road, Karaikal-609602.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired (in Hect.)
Thiruvarur	Thiruvarur	19/1 Karuppur	280	0.04.0
			Total	0.04.0
	17 Adiyakkamangalam		2/1	0.08.0
			3/1	0.01.5 G.P.
			11/7C	0.02.5
			Total	0.12.0

[F. No. L-14014/28/2008-G.P.]

SNEH P. MADAN, Under Secy.

नई दिल्ली 10 अक्टूबर, 2008

का, आ. 2857.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसार में, अधिसूचना सं. का.आ. 2143 तारीख 30-5-2006 द्वारा श्री एस. के. राठौर, विशेष भूमि अध्यक्षित अधिकारी गुजरात, गुजरात राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था;

और उक्त श्री एस. के. राठौर, का स्थानांतरण हो गया है और वे उपरोक्त अधिसूचना द्वारा प्रदत्त कार्यभार को पूरा करने की स्थिति में नहीं हैं;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 2 के खण्ड (क) के अनुसार में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 2311 तारीख 14-8-2007 को अधिकृत करते हुए, नीचे दी गई अनुसूची के स्वांभूतिक में वर्णित

व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्वांभूतिक में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है :

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)

श्री आर. वी. बरिया, गुजरात राज्य का भरुच, बड़ोदरा, विशेष भूमि अध्यापित अधिकारी, पंचमहल और दाहोद जिला।
मैसर्स गेल (इण्डिया) लिमिटेड
यूनिट-1, छठा तल, कुबेर भवन,
बड़ोदरा-390005 (गुजरात)
में मानदेय को आधार पर

[फ. सं. एल-14014/20/2005-जी.पी.]

स्नेह प्रभा मदान, अकार सचिव

New Delhi, the 10th October, 2008

S.O. 2857.—Whereas, in pursuance of clause (a) of Section 2 of Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India vide Notification S.O. 2143 dated 30-5-2006 appointed Shri S.K. Rathore, Special Land Acquisition Officer, to perform the functions of the Competent Authority under the said Act for laying of the pipeline by M/s GAIL (India) Limited in the State of Gujarat;

And, whereas, Shri S.K. Rathore has been transferred vide the above notification and he is no more in a position to perform the functions assigned;

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 2143 dated 30-5-2006, the Government of India hereby authorizes the person mentioned in column (1) of the Schedule annexed to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s GAIL (India) Limited, in the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
Shri R.V. Bariya, Special Land Acquisition Officer, On honorarium basis to M/s. GAIL (India) Limited, Unit—1, 6th Floor, Kuber Bhawan, Vadodara-390005 (Gujarat).	Districts Bharuch, Vadodara, Panch Mahal & Dahod of Gujarat State.

[F. No. L-14014/20/2005-G.P.]

SNEH P. MADAN, Under Secy.

श्रम एवं रोजगार मंत्रालय
नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं, केन्द्रीय रिफाइनरीज लि. के प्रबंधितने के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुर्याम में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय, एरनाकुलम को पंचायत (संदर्भ संख्या 287/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को प्राप्त हुआ था।

[सं. एल-30012/60/97-आई आर(सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th September, 2008

S.O. 2858.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 287/2006) of the Central Government Industrial Tribunal Labour Court, Ernakulam now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s Kochi Refineries Ltd. and their workmen, which was received by the Central Government on 11-09-2008.

[No. L-30012/60/97-IR (C-1)]

SNEHLATA JAWAS, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri. P.L. Norbert, B.A., LL.B., Presiding Officer

I.D. No. 287/2006

(I.D. No. 40/1998 of Labour Court, Ernakulam)

Union : The General Secretary,
Kochu Refineries Employees' Association,
Ambalamughal, Kochi-682302
By Adv. Sri C.S. Ajith Parkash

Management : The General Manager (HRM),
Kochu Refineries Ltd.,
Ambalamughal, Kochi-682302
By Adv. M.S. Menon and P.M.

This case coming up for hearing on 11-06-2008, this Tribunal-cum-Labour Court on 13-06-2008 passed the following:

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act, 1947. The reference is:

"Whether the action of the management of M/s Kochu Refineries Ltd. in denying the promotion

to higher grade in respect of the following 21 workmen is justified? If not, to what relief the workmen are entitled?"

Sl.No.	Name	Token No.	Department
1.	Sh. V. Mathew	1260	Maintenance
2.	Sh. C.L. Sunny	1280	Maintenance
3.	Sh. A. Gopalan	1382	Materials
4.	Sh. M.K. Varghese	1281	Maintenance
5.	Sh. K.C. Mathew	617	S & O M
6.	Sh. M.K. Jose	649	S & O M
7.	Sh. M.T. Varkey	629	S & O M
8.	Sh. S. Kurian	623	S & O M
9.	Sh. George Philip	790	S & O M
10.	Sh. K. Anto John	1218	S & O M
11.	Sh. V. Rajan	1209	S & O M
12.	Sh. Nazimudeen S. E.	1762	Maintenance
13.	Sh. Ajay Kunno	1136	S & O M
14.	Sh. R. Manoj	1232	S & O M
15.	Sh. PRCS Nar	1417	S & O M
16.	Sh. V.K. Dharmaraj	1410	S & O M
17.	Sh. D. Johnes	1412	S & O M
18.	Sh. James Varghese	716	Maintenance
19.	Sh. R.S. Pillai	1252	S & O M
20.	Sh. T. Mohanan	595	S & O M
21.	Sh. R. S. Pillai	789	S & O M

2. The facts of the case in brief are as follows: [1] workers of Cochin Refineries Limited challenges through their union the action of the management in denying promotion at the appropriate time. According to them the management has deliberately denied the promotion. There is a promotion policy as per a settlement. The promotion is denied mainly due to the case of leave or loss of pay. But as per settlement it is not a ground to deny promotion. Several juniors were promoted over looking the workmen. The management is giving promotion to employees of their choice. The workers who are members of the claimant union is discriminated. The seniority of workers should have been given more weight while assessing the eligibility for promotion. Besides a test has to be conducted for promotion as per the promotion policy. However, the management did not do. The promotion committee is not properly constituted. Hence the process of promotion is illegal.

3. According to the management different notifications were issued by the management calling for applications for promotion in different posts. The workmen who had applied for different posts if aggrieved by the

promotion procedure and the result they should have raised different industrial disputes. A common reference is not maintainable. There is no allegation of victimization of any of the employees. In the absence of such an allegation the workers cannot challenge the decision of the management in the matter of promotion. Besides if the workers in question are given promotion by virtue of an order of the court it will adversely affect the already promoted employees. It is unfair to alter the promotion without hearing affected parties. A promotion policy was introduced by virtue of an agreement between unions and management and the policy came into effect on 31-07-1973. A promotion committee was also formed to assess the suitability of candidates for promotion. The committee has to take into consideration 7 factors to test the suitability of the candidates for promotion as per the promotion policy. The 21 workers in the present case did not pass the eligibility test and hence they could not be promoted in the first opportunity. However they were promoted subsequently as and when they became successful in the interview and assessment. Hence they are not entitled for any further relief.

4. In the light of the above contentions the only point that arises for consideration is:

Whether the management had deliberately denied promotion to 21 workers?

The evidence consists of Ext. M 1, a statement of service details of employees filed by the management.

5. The point:—The cause of 21 workers of Kochi Refineries Limited is taken up by the union that they were not given promotion on due dates. The details of vacancy to different promotion posts are elaborately dealt with in the claim statement as well as in the written statement. It is unnecessary to go into the details of each employee in view of the contention of the management that though all the 21 workers had appeared before the promotion committee and the committee had taken into consideration 7 factors as required in the promotion policy, they were not successful. 7 factors are seniority, qualification, experience required for the job, knowledge of new job, Potential to move up, review of latest appraisal, communication and health attendance. The marks obtained in respect of each factor are together counted for promotion. The contention of the union that seniority is the main criteria and other factors need not be seriously considered is not sound. As per the promotion policy all the 7 factors are to be counted. According to the management none of the 21 workers were successful in the first opportunity availed by them for promotion. But as and when their results were better they were promoted. The statement Ext. M 1 filed by the management shows the date of promotion, the category of posts and the grade. As per that all the 21 workers were given promotion on different dates. Some of them are no more and some of them have retired. The union has not been able to show that the promotion committee acted in a

biased manner or any one of the employees were victimized. The contention of the union that a written test has to be conducted before promotion is to be given has no merit as the promotion policy contemplates only one of the two methods of test or interview for promotion. The management conducted interview and assessed the suitability of candidates. That is perfectly in order. If the union does not want an interview but only written test, they are free to enter into a settlement with the management. As per the present promotion policy settlement either of the above two methods can be adopted by the management and there is no illegality in doing so. As per Ext. M 1 all the 21 workers were given promotion as and when they were qualified for promotion. Hence there can be no grievance for the workmen.

In the result an award is passed finding that the action of the management in denying promotion to 21 workmen is legal and justified and they are not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 13th day of June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibit for the Management

Ext. M 1 - Statement filed by the management regarding promotion given to workmen.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2859.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा कोचिं रिफाइनरिज लि. के प्रबंधतान्त्र के संबंध नियोजकों और उनके कमेंटरों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार और्डोरिंग अधिकरण/श्रम न्यायालय, केरलकुलम के पंदाट (संदर्भ संख्या 234-2006) का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को ग्राह कराया था।

[सं. एन-30012/69/98-आई आर(सी-1)]

स्नेह सत्ता ज्वास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2859.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 234-2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s Kochi Refineries Ltd. and their workmen, which was received by the Central Government on 11-09-2008.

[No. L-30012/69/98-IR (C-I)]

NEH LATA JAWAS, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
PRESENT: SHRI. P.L. NORBERT, B.A., LL.B., Presiding Officer

I.D.234/2006

(I.D. 32/1999 of Labour Court, Ernakulam)

Union : The General Secretary, Kochi Refineries Employees Association, Ambalamughal, Ernakulam Distt. By Adv. Sri. C.S. Ajith Parkash.

Management : The General Manager (HRM), Kochi Refineries Ltd., Ambalamughal, Ernakulam Distt. By Adv. M/s. Menon and Pai

This case coming up for hearing on 13-05-2008, this Tribunal-cum-Labour Court on 14-05-2008 passed the following:

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:

"Whether the denial of promotion of Sh. S. Subramanian from Typist Clerk Gr. V to General Clerk Gr. VI by CRL Management is justified? If not, what relief the workman is entitled to?"

2. Facts of the case in brief are as follows:— Shri S. Subramanian, Typist Clerk Grade- V joined service of Kochi Refineries Ltd., Ambalamughal on 1-3-1991 in the Finance & Audit Department. In 1996 five vacancies of Account-Clerks were notified and applications were called for promotion from Typist-Clerks Gr. V. The workman too applied for the post. An interview was conducted on 12-06-1996. However he was not selected. According to the workman he had answered all the questions in the interview. But the management chose to promote 5 others junior to him. As per the promotion policy a written test is to be conducted. However this was not done by the management. The management has not properly evaluated seniority and other factors mentioned in the promotion policy. The workman had all the qualifications prescribed by the management. But the promotion committee failed to properly appreciate all the factors in a proper manner. He is entitled to be promoted w.e.f. 1996.

3. According to the management there is no allegation of victimization in the matter of selection for promotion. There is a promotion policy regarding the procedure for promotion. A Promotion Committee assesses the suitability of a candidate and recommends his name for promotion. The committee has to look into several factors while considering the suitability of a candidate. The promotion policy was formulated by the management in consultation with unions and by a settlement. There were 5 vacancies

of Account-Clerk as on 17-05-1996. Out of the applicants 13 candidates were called for interview. After preliminary screening of the applications 5 candidates were found suitable for promotion and their names were recommended. The workman did not succeed in the interview. However he was subsequently promoted w.e.f. 1-5-1998 and hence the dispute has become infructuous.

4. In the light of the above contentions the only point that arises for consideration is:

Whether the denial of promotion in 1996 selection is legal and proper?

The evidence consists of documents Exts. M1 to M3 alone.

S. The Point:—It is the case of the union that the workman joined the service of the company on 1-3-1991 as Typist-Clerk. It is an admitted fact that in the year 1996 five vacancies of Account-Clerk were notified by the management. These vacancies were to be filled by promotion from among Typist Clerk Gr. V. The workman had applied for the post. He appeared for the interview, but failed. Ext. M 1 is notice of job vacancy dated 17-5-1996 inviting applications from employees for the post of Account-Clerk. Qualification and experience are mentioned in the notice. Ext. M2 is interview result. The workman had scored 40 $\frac{1}{4}$ marks in the interview. Ext. M3 is the report of promotion committee regarding selection. 13 employees were interviewed by the promotion committee and 5 were found suitable for promotion. Their names are mentioned in Ext. M3. The workman was not a successful candidate. From the candidates who scored the highest marks, 5 were selected according to the marks. The scoring of workman was low. All the factors mentioned in Ext. M2 for selection were assessed by the promotion committee. The factors are seniority, qualification, experience, knowledge of the new job, potential to move up, review of the latest appraisal form, communication and health/attendance. The highest mark obtained by the workman was in respect of seniority. He did not fair well concerning other factors. Hence he was not selected. The union is not able to point out any discrimination shown by the promotion committee to the workman. No motive is alleged for victimizing the workman. I am not able to find any illegality in the selection. The contention of the union that as per the promotion policy a written test has to be conducted by the management is not correct. In the rejoinder of the union page 3 para 10 a relevant part of promotion policy is quoted as follows:— "the promotion committee will perform further screening and those candidates considered suitable shall be tested/interviewed". It means that the management is free to conduct either test or interview and not necessarily both. Thus there is no impropriety or irregularity in selection. If so the workman was not eligible for promotion in 1996. However the written statement of the management shows that he was given promotion subsequently w.e.f. 1-05-1998. After hearing, management produced the order of promotion. That shows that the workman was given

promotion as Account-Clerk in Finance & Accounts Department w.e.f. 1-5-1998. However he is not entitled for promotion w.e.f. 1996.

In the result, an award, is passed finding that the action of the management in denying promotion to the workman Sri.S.Subramanian Typist as Account-Clerk in the 1996 selection is legal and justified and he is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this 14th day of May, 2008.

P.L. NORBERT, Presiding Officer
APPENDIX

Exhibits for the Management :

M1 - Notice of Job vacancy dated 17-05-1996.
 M2 - Interview result.
 M3 - Report of Promotion Committee regarding selection.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं सी.सी.एल. के प्रबंधताने के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रधान व्यापारिय धनवाद सं.-I के पंचाट (संदर्भ संख्या 193/1990, 194/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को प्राप्त हुआ था।

[सं.एल-20012/23/90, 20012/22/90-आई.आर(सी-1)]
 स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2860.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/1990, 194/1990) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad No. I now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. C.C.L. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-20012/23/90, 20012/22/90-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I AT DHANBAD.**

PRESENT: Shri H.M. Singh, Presiding Officer
In the matter of industrial dispute under section 10 (1) (d) of the I.D. Act., 1947.

Reference No.193 of 1990

PARTIES:

Employers in relation to the management of Dakra Colliery of M/s. C.C.L. and their workmen.

(Ministry's order No.L-20012(23)90-IR.(Coal-I) dtd.27-8-1990)

Reference No.194 of 1990

Employers in relation to the management of K.D.H. Project of M/s. C.C.L. and their workmen

(Ministry's order No.L-20012(22)90-IR.(Coal-I) dtd.27-8-1990)

APPEARANCES

On behalf of the workmen : Mr. S. Bose,
 Vice-President,
 RCMS.

On behalf of the employers : Mr. D.K. Verma,
 Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the August, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1) (d) of the I.D. Act., 1947 has referred the above mentioned references before this Tribunal for adjudication vide their order referred to above with the following Schedule.

Schedule in Ref.No.193/90

"Whether the action of Central Coalfields Ltd. management of Dakra Colliery retiring S/Shri Raghu Swain, Gourhari Sahu and Sudarsan Dusadh on medical ground before their superannuation and not providing employment to their dependents as per para 9.4.3 of NCWA-III is justified? If not, to what relief these workmen are entitled?"

Schedule in Ref.No.194/90

"Whether the action of Central Coalfields Ltd. management of KDH Project retiring S/Shri Gobind Nahak No. III, Kirtan Pusti, Rajan Jena, Dandashi Behra, Bishwanath Nahak, Sridhar Reddy, Arto Swain, Wagon Loaders and Krishna Pusti, General Mazdoor on Medical ground before their superannuation and not providing employment to their dependents as per para 9.4.3 of NCWA-III is justified? If not, to what relief these workmen are entitled?"

2. As both the cases were heard analogously and as such this Award will be applicable for both the cases.

3. As per W.S. filed by the workmen in Ref.No.193/90 it has been alleged that the concerned workmen are permanent employees of the management since 1973 in the capacity of breakers and shale pickers at the siding. After implementation of NCWA-III the concerned workmen got medically examined on the basis of para 9.4.3 along with several other workmen by the Special Medical Board, CCL, Ranchi on 22-11-88 at Area Transit Camp, North Karanpura,

Dakra. By order dated 27-3-89 the concerned worker retired from the service of the Service with pay from 27-3-89 and in the course of his N.C.W. application who is permanently disabled due to injury or disease are of permanent nature resulting into loss of capacity should get a pension as authorized in his favour concerned worker has availed their application for employment of his dependents and the same was conducted by the concerned Project after the examination of the Medical Board dated 11-1-88 certifying the capacity of their dependents. The concerned management has provided employment to the dependents of the concerned workmen and their dependents of the concerned workmen. It is also to be mentioned that the concerned did not issue any order of the Special Medical Board conducted in respect of other workers failing to declare the defects of the concerned Medical Board of the individual physical and mental conditions of the said. It has been also mentioned that management did not issue any letter or notice to the concerned worker refusing to employ dependents of the concerned. In the case of the concerned terminated the services of the concerned worker on 27-3-89 by order dated 27-3-89 in his favour that Dy. GM of the concerned Project was not the concerned authority to issue any order concerning the concerned three workers as such the concerned application dated 27-3-89 to the said office was rejected and the workers were treated as ordinary workers by the concerned till such time as dependents are not provided with employment in the concerned place. As a result the concerned worker in the concerned as well as union of workers from their behalf approached the concerned before the concerned authority to take up the case before the concerned authority who held enquiry and as a result in the concerned concerned in favour of the concerned present before the adjudication board for the concerned employment it has been to pass an Award in favour of the concerned workers of Dakra Colliery. In the concerned application during the services S. S. Sudarshan Dusadhi and Gourhari Sahu and Shri Dusadhi and his dependents employment to the concerned as per para 4 of the N.C.W.A. III is not granted to the dependents of the concerned employed in their place concerned workers should be paid wages to the dependents as per rule 11 of the concerned and the concerned should be aware of the same cost for this provision of relief.

4. The concerned has submitted that it is to be noted that the reference of the above and not to any other and the same is fully substantiated. It has specifically been submitted that the concerned by the concerned does not constitute an Industrial Dispute within the meaning of Section 2(1) of the said ID Act. It has also been submitted that the concerned dependents of the concerned are not the members of the concerned.

and it has no locus standi to take the cases of so-called dependents of the workers concerned as an Industrial Dispute and to seek any relief. The Dakra Colliery (originally called as Dakra Bokhara) is one of the nationalised collieries under the Coal Mines (Nationalisation) Act, 1973 w.e.f. 1-5-73 and it now forms a part of the CCL. The reference order, however, refers to the concerned Project but since the present case does not relate to project of the concerned Project, the reference is vitiated and rendered illegal and void. The management has a system of maintaining of Service Books of its workmen in which on the first page among the other particulars of the employees, the date of birth is also recorded. These entries in date as originally declared by the workmen themselves in the same are fully explained to the workmen concerned and thereafter their signatures or thumb impressions are made after they accept the same. This is the usual and common system adopted by the management. Thus the entries so inserted by the workmen concerned by affixing their signatures or I.I.s constitute admissions on the part of the workmen concerned within the meaning of Section 141 of the Evidence Act and they are bound by the same. It is on the workers were legally estopped from taking any other stand. In the case of Raghu Swain, his original date of birth was entered in the Service Sheet Book as 10-10-1928 but this entry was interpolated and the figure 30 was written 10-10-28 by some one apparently in the instance of Shri Raghu Swain. In the application made by Shri Raghu Swain for examining his case before the Special Medical Board, the entry relating to the date of birth was interpolated and it was changed to 10-10-1928. These interpolations have been made manifestly with ulterior motive and to secure unfair advantage from the Management at the instance of Shri Raghu Swain himself as he is the beneficiary of the legal heirs. Similarly in the case of Shri Gourhari Sahu the entry relating to his date of birth which was originally recorded as 3-5-1932 in his Service Sheet Book, was interpolated and changed to 3-5-1934. In this case also the entry in regard to the application of Shri Gourhari Sahu for examining his case by the Special Medical Board an interpolation has been made by over writing etc. It is noted in the date of birth of Shri Gourhari Sahu was the same as in the case of Shri Raghu Swain. So far as Shri Sudarshan Dusadhi is concerned, strangely two Service Sheets came into existence in his case. In the first Service Sheet Book the entry relating to the date of birth was recorded as 1-1-30 but in the second Service Sheet Book the date of birth was shown as 12-6-1936. The Second Service Sheet Book was prepared by the person persons concerned with ulterior motives at the instance of Shri Sudarshan Dusadhi himself so that he may secure unfair advantage from the Management. The question of interpolation of entries in the Service Sheets Books of Shri Raghu Swain, Shri Gourhari Sahu and opening of the second Service Sheet Book in the case of Shri Sudarshan Dusadhi changing his date of birth to

12-6-1934, have been investigated by the Management and necessary action is being taken against the employees concerned.

5. In para 9.4.3 of NCWA III there is a provision for employment of one dependent of a worker who is permanently disabled due to disease or injury resulting in loss of employment subject to the same being certified by the Coal Company concerned. The management had issued a circular that for this benefit the workmen who are in the age group of 45 to 55 years would be eligible. Keeping in view the above circular and to give and underserved benefit to the aforesaid three workers the above manipulations, interpolations etc. and opening of a second service sheet in the case of Shri Sudarsan Dusadhi were resorted to by the interested persons.

6. As per procedure laid down by the JBCCI the Management has also computerised the data relating inter-alia to the date of birth of its workers as entered as in the records of the Management and the computerised data sheets indicate the date of birth of Shri Raghu Swain as 10-10-1930 and of Shri Gourhari Sahu as 3-5-1932. The case of 3 workers referred to above were put up before the Special Medical Board and as per the assessment made by the Medical Board, these three workers were found to be unfit and their employment were accordingly discontinued. They could not, however, be given the benefit of para 9.4.3 of NCWA III as, but for the manipulations, forgery etc. as referred to above, they would not have been eligible for the benefit of being medically examined by the Medical Board and for securing the benefit under para 9.4.3 of NCWA III. It has also been stated that all these cases are vitiated by fraud, dishonesty and other illegal acts committed at the instance of the 3 workers referred to above and therefore there is no question of giving them the benefit under para 9.4.3 of NCWA III. In view of the above facts the concerned workmen have been discontinued from work by the management and the action of the management is justified in not providing employment to the dependent of the concerned workmen. Hence it has been prayed that an Award be passed rejecting the claim of the concerned workmen.

7. The workmenside also filed rejoinder stating the same facts which has been stated in their W.S. It has also been said that it is wrong to say that the concerned workmen has deliberately changed their date of birth and it should be proved by the management and that the action of the management is arbitrary, unjustified and benefit be given to the workmen.

Ref. No.194/90

8. In the W.S. the workmen stated that they are permanent employees of the management since 1973 in the capacity of wagon Loaders except the last name Shri Krishna Pusti who is a General Mazdoor. After the

implementation of NCWA-III the management got the concerned workmen medically examined on the basis of para 9.4.3 of NCWA-III along with several other who were all examined by Special Medical Board, CCL, Ranchi on 22-11-88 at Area Transit Camp, North Karanpur Dakra. The concerned workmen and others were retired from their respective services with effect from 27-3-89 vide office order dated 26-3-89.

9. In terms of para 9.4.3 of NCWA-III a workman who is permanently disabled due to injury or disease which are of permanent nature resulting into loss of employment should get a dependent absorbed in his place. The concerned workmen submitted their applications before the management for employment of their dependents in place of themselves. Thereafter the management conducted thorough verification and after the examination by the Medical Board on 22-11-88 certified the employment of their dependents. The management by an officer order dated 7-3-89 retired the concerned eight workmen w.e.f. 8-3-89 but did not provide employment to the dependents of concerned eight workmen violating the provisions of NCWA-III as well as management's own understanding with the workmen.

10. It has been stated further that the management did not issue any report of the Special Medical Examination conducted on 22-11-88 indicating the defects detected by the Medical Board about the individual physical and mental conditions. Thereafter the concerned workmen were terminated from their services by the management w.e.f. 8-3-89 by an office order dt 7-3-89 without giving any notice to the workmen as per law.

11. It has been alleged that the Dy. C.M.E. /Project Officer, KDH Project was not the employing authority in respect of the concerned eight workmen and as such the order of termination dated 7-3-89 issued by the said officer is not valid and the workmen should be treated as continuing in employment till such time as their dependents are not provided with employment in their place. Thereafter the union of the workmen raised industrial dispute before the ALC (C) Ranchi which ultimately resulted reference to this Tribunal for adjudication. It has been prayed on behalf of the workmen to pass Award directing the management to provide employment to the dependents of the workmen in terms of para 9.4.3 and to pay wages to the workmen for the idle period from 8-3-89 till the absorption of their dependents and with further direction to pay the cost of proceeding to the concerned workmen.

12. The employers have submitted their W.S. alleging that the reference is bad in law and not maintainable and the same is liable to be rejected. It has specifically been submitted that the issue raised by the sponsoring Union does not constitute an Industrial Dispute within the meaning of Section 2(K) of the I.D. Act.

13. It has been stated by the management that Gurhind Nahak and other workers referred to in the reference order except Shri Arto Swain were previously working in Kujur Area while Shri Arto Swain was working in Kella Area of Central Coalfields Limited. These areas are different from North Karanputra area in which KDH Project falls. Above workers were transferred from the aforesaid collieries to North Karanputra Area KDH Project. Though the original and genuine service sheets of these workers were sent to North Karanputra Area by the Management of the previous collieries where they were working, they were replaced fraudulently by some officials of North Karanputra area and fabricated service sheets were prepared and their age was also reduced in those fabricated/forged service sheets in order to make them eligible for voluntary retirement on medical grounds. Such a scheme was introduced by the management for workers in the age group of 45 to 55 years keeping in view the Provisions of Para 9.4.3 of NCWA-III by constituting a special Medical Board. Therefore, it is crystal clear that since the beneficiaries of the fabricated and forged service sheets of the workmen concerned themselves they were a party to the fraud committed by the officials concerned in the present case and it is well settled that no person can be allowed to take advantage of his own fraud as the dishonesty or other illegal acts committed by him or at his instance. It has been further stated by the management that the investigations were made into the whole affair and initiated departmental action against the officials concerned and ultimately they were punished. So far as the eight workers referred to in the order of reference is concerned, since they were declared medically unfit for their employment was naturally discontinued. A Statement showing the correct date of birth as recorded in the original records of the Management relating to the eight workers, the date of birth reflected in the forged documents service sheets and the date from which their employment was discontinued is incorporated in Annexure 'c'. It has been submitted by the management that since the eight workers concerned were found medically unfit by the Medical Board of the Management and it was the case of the workmen themselves that they should be subjected to medical examination because of their being medically unfit, the Management was perfectly entitled to retire them from service and there was absolutely no question of allowing them to continue in service till the age of their superannuation i.e. 60 years when they were unable to work and cannot render any services to the Management. It has been further submitted that in the light of the facts and circumstances of the case and the fraudulent, dishonest and illegal acts which came to the notice with regard to the claims of the eight workers in connection with efforts to get themselves medically examined and for securing employment to their dependants, there is also no question of the management providing employment to their dependants. In course of event, the employers submitted that neither the workmen concerned

nor their dependants are entitled to any relief whatsoever quite apart from the reference order itself being vitiated and rendered illegal as per the preliminary and legal objections of the Management as referred to above. The employers accordingly have prayed that this Tribunal may be pleased to give an award rejecting the claim of the workmen.

14. The workmen also filed rejoinder stating that the contents of paras 13, 14, 15, 16, 17 and 18 of the W.S. of the management are not admitted by them being and attempt to bypass the real issue and to create confusion since the workmen concerned had simply applied for employment of their respective dependants according to the terms and conditions laid down in NCWA-III and the management cannot dissolve their responsibility in violation of the provisions of the NCWA-III. The contents of paragraph (19) of the statement have not been admitted by the workmen to the extent that employees should have been given to the dependants of the concerned workmen who were found medically unfit according to paragraph 9.4.3. of NCWA-III and it is not open for the management to bypass their obligation. It has been submitted that the action of the management is arbitrary, unjustified and benefit be given to the workmen.

15. On behalf of the workmen WW-1 has been produced. On behalf of the management MW-1 Ramnath Singh has been examined who has proved Ext.M-1 and M-1/2. Management also examined M-2 who has also proved M-1 and M-1/2 and also Ext.M-2 to M-14.

16. Main question which has to be decided by this Tribunal is whether management has complied with clause 9.4.3 of NCWA-III by giving one dependent employment of permanent disabled employee. Clause 9.4.3. of NCWA-III in this respect speaks as follows:

Clause 9.4.3

Employment to one dependant of a worker who is permanently disabled in this place:

- The disablement of the worker concerned should arise from injury or disease, be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.
- The dependant to be considered for employment should be physically fit and suitable for employment and aged below 35 years provided that the age limit shall not apply in the case of spouse.

It shows therefore that the concerned workmen must have been permanent employees and caused to be employed on the ground of disablement due to injury or disease which is of permanent nature resulting loss of employment. In the present case there is no medical certificate which shows

that the concerned workmen have been retired due to injury or disablement on permanent nature and become disabled because of this fact. So far as per clause 9.4.3 of NCWA-III the concerned workmen have not been retired on the ground of disablement arising from injury or disease of a permanent nature resulting into loss of employment. Moreover, as per document filled by the management shows the date of birth has been interpolated and manipulated to derive benefit of clause 9.4.3 of NCWA-III. As per Ext. M-1 the date of birth of Raghu Swain has been altered from 10-10-30 to 10-10-1938. Also in the case of Gaur Hari Sahu his date of birth has been altered from 3-5-1932 to 3-5-1934 and in the case of Sudarsan Dusadh date of birth has also been manipulated and altered. As per Ext. M-2/1 the date of birth of Sudarsan Dusadh 18-9-1928, Krishna Prosthi as per Ext. M-2/2 16-1-1943, Biswanath Nahak as per Ext. M-2/3 3-2-1948 has been altered and manipulated. Ld. Counsel for the workman has argued that because of the fact that these documents were in the custody of the management so it is the responsibility of the management to preserve them intact and in safe custody but the argument of the Ld. Counsel for the workman deems to be not fair because without consent and convincing of the workmen their date of birth cannot be altered to get the benefit of workmen and also as per Ext. M-13 the age of Raghu Sahu is recorded as 42 years at the time of employment. W.W-1 Devendra Kumar Singh has stated in his cross-examination that "I have left the service out of my own sweet will". He also stated that he does not know if the service records and Form B Register remain under the custody of the staff of personnel department when he has stated that he has retired from service on his sweetwill it shows that wrong facts have been stated in the W.S. that on the initiative of the management he got medically examined for employment of his son as per NCWA-III.

17. Management also filed photo copy of the Form B Register which shows that some of the workmen have been transferred to another colliery. The date of birth of Gobind Nahk No II has been manipulated and also and date of birth of Raju Jana has been mentioned as 53 years. It also shows that he was above 55 years at the time of his medical examination before the Medical Board. The workman Orato Swain at Sl.No.1275 shows his age as 54 years. It also shows that he becomes more than 55 years at the time of his medical examination before the Medical Board. It shows that the concerned workmen have got medically examined and found medically unfit not on the ground of injury or disablement of permanent nature. It has also been put that the concerned workmen were within the range of 45 to 55 years of age and on that basis management may provide employment to their dependents.

18. It therefore shows that the concerned workmen have failed to fulfill the conditions as mentioned in clause 9.4.3 of NCWA-III. The statement made by the concerned workmen in their W.S. shows that they have manipulated

dated of birth to get the benefit of clause 9.4.3 of NCWA-III for getting employment of dependents. In the result, the following Award is rendered:-

"The action of the management in both the Reference Cases in retiring the workmen as mentioned in the schedule to the order of reference on Medical Ground before their superannuation and not providing employment to their dependents as per Para 9.4.3 of NCWA-III is justified. Consequently, they are not entitled to get any relief."

H.M. SINGH, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार द्वारा, सी.सी.लि. के प्रबंधनके संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुकूल में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय धनबाद, संख्या - 1 के पंचाट (संदर्भ संख्या 107/90) को प्रकाशित करती है, जो केंद्रीय सरकार को 11-4-2008 को प्राप्त हुआ था।

[स. एस-20012/270/89-आईआर (सो-1)]

स्वेच्छा जाकर, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/90) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No.1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-20012/270/89-[R(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of a reference Under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 107 of 1990

Parties : Employers in relation to the management of Jharkhand Colliery of M/s. C.C. Ltd.

AND

Their Workmen

PRESENT : Shri H.M. Singh : Presiding Officer

Appearances :

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri B.B. Pandey, Advocate

State : Jharkhand.

Industry : Coal

Dated, the 26th August, 2008

AWARD

By Order No. L-20012/270/89-I.R. (Coal-I) dated 2-5-1990 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jharkhand Colliery of C.C. Ltd., P.O. Jharkhand, Dist. Hazaribagh by not regularising and not making payment of difference of wages of S/Shri (1) Shyam Lal Kurmi, (2) Jawahar Singh, (3) Ful Mohammad, (4) Panchanand Mahto, (5) Sadique Ansari and (6) Ishaque Mian is justified? If not, to what relief the workman concerned are entitled?”

2. The concerned workman have filed written statement and they have stated that Shyam Lal Kurmi has been working in the colliery as fitter from 1982. He operates the lathe and drill machines installed in the workshop. The machinists/fitters deployed in the workshop get Category-V or Category-VI wages. The concerned workman is getting only Category-I wages. The management attempted to make out a case before the conciliation officer that the concerned workman, Shyam Lal Kurmi is working as Mazdoor in the workshop with the fitters. It has been submitted that there is no requirement of engaging fitter mazdoor to accompany the fitter and to carry on tools and materials of the fitters for carrying work at different places. In the workshop, the lathe, drill and shaping machines are permanently fixed and adjustments of the machines are done by the machinists/fitters in the course of carrying on different works. The persons deployed to help the workshop machinists/fitters are helpers and not mazdoors. As per the stand taken by the management, the concerned workman Shyam Lal Kurmi is working as helper in the workshop, though the workmen deployed in the workshop get one category higher than that given to their counterpart working in mines. The mine fitter gets minimum Category-IV, whereas a workshop fitter gets minimum Category-V. A helper deployed with a mine fitter gets minimum Category-II and a helper deployed in workshop with machinists and fitters is entitled to minimum Category-III. Even if the case of the management is accepted as correct, the concerned workman is entitled to difference of wages between Category-III and Category-I w.e.f. 1-1-82. The concerned workman, Shyam Lal Kurmi was sent to the Central Excavation Training Institute at Barkakana. He took training from 16-11-88 to 16-1-89 and learnt complicated job with precision and after completion of training he is performing machining job in the workshop on lathe and drill machines with high efficiency and precision. He is entitled to be regularised in Category-VI w.e.f. 1-2-1989 and entitled to difference of wages between Category-VI and Category-I from 1-2-1989. He is also entitled to be

regularised as workshop machinist in Category-V w.e.f. 1982 an as workshop machinist in Category-VI w.e.f. 1-2-89. The concerned workman has been incorrectly designated as mazdoor and is being paid Category-I wages illegally and arbitrarily. The concerned workman is entitled to difference of wages between Category-V and Category-I w.e.f. 1-1-82 and between Category-VI and Category-I w.e.f. 1-2-89.

The concerned workman, Ful Mohammed is working in Excavation cadre being deployed in the Open cast w.e.f. 1-1-1982. The Excavation workers like operators, fitters and helpers are fixed in Excavation Categories E to A and Special. They are not fixed in Category-I to VI prescribed for time-rated workers. The management's stand before the conciliation office was that the concerned workmen are working as mazdoor with the fitters at different sections of the Excavations. It is submitted that the fitters deployed in the Excavations are in Excavation categories. The mazdoor helpers working with Excavation fitters are entitled to Excavation Category 'E' which is the minimum prescribed for the Excavation workers. According to the case of the management the concerned workmen are entitled to difference of wages between Excavation Category 'E' and time rated Category-I w.e.f. 1-1-1982. It has been submitted that the concerned workman are working as fitters in Excavation sections of opencast working and they are entitled to Excavation Category 'D' or 'C' w.e.f. 1-1-1982. The concerned workmen are entitled to be regularised as Excavation fitters in Excavation Category 'D' and difference of wages between Excavation category 'D' and Category-I w.e.f. 1-1-1982 and the action of the management in treating the concerned workmen as Mazdoor and paying them time rated Category-I wages is illegal, arbitrary and amounts to unfair labour practice. It has been prayed by the workmen to pass an award directing the management to regularise Shyam Lal Kurmi as workshop machinist in Category -VI and offers Ex-fitters in Excavation Category 'D' giving continuity in their respective categories w.e.f. 1-1-1982 and also for making payment of difference of wages w.e.f. 1-1-1982.

3. The management have filed their written statement alleging that the preliminary and legal objection that the reference is bad in law and not maintainable. It has been alleged that the reference order suffers from the vice of vagueness and total non-application of mind by the appropriate Government. It has been submitted that Jharkhand Colliery has a Workshop in which machinery and equipment of the management are repaired. It has adequate number of fitters, mechanics and other technical and skilled workers and semiskilled workers for the purpose of carrying out all the jobs executed in the said workshop at all relevant times. It has highly skilled, skilled and semi-skilled workers and the concerned workmen have not been employed and called upon to perform any job of higher post than the post held by them. Jharkhand Colliery has

heavy earth moving machinery working in the quarry such as, shovels, dumpers, dozers etc. Shyam Lal Kurmi was previously a piece rated worker and on his request he was assigned to do the work of a Mazdoor Category-I and later he was placed in the post of miscellaneous mazdoor in Category-II w.e.f. 8-9-90 and he has been performing the job of miscellaneous mazdoor and he is attached to Turner. There is only one lathe machine in the Workshop and there are two turners already working in the Workshop. There is no requirement for any more Turners. The volume of work of turner is also very much limited. Ful Mohammed was also a piece rated worker before and on his request he was assigned to do the work of Mazdoor in Category-I and later he was placed in the post of Misc. Mazdoor in Category-II w.e.f. 8-9-90 and he is attached with Fitter. The reference order does not state as to in what post the union demands these workers to be regularised and with reference to what post it claims payment of difference of wages. It does not also indicate the period or dates from which any action was required to be taken by the management. The present dispute has arisen as a result of some misrepresentations made by the Union concerned with ulterior motive and malafide intentions. It has been alleged that the concerned workman, Shyam Lal Kurmi is not entitled to Category-VI w.e.f. 1-2-89 as Workshop Machinist and Ful Mohammed is not entitled to Category 'D' w.e.f. 1-1-82. Hence, it is prayed that an award be passed holding that the concerned workman are not entitled to any relief.

The works has produced the application moved on behalf of the workman that they are interested for the case of two workmen, namely, Shyam Lal Kurmi, appearing at serial No. 1 of the schedule and Ful Mohammad, appearing at serial No. 3 of the said schedule because others have been promoted by the management.

4. The management has produced witness, MW-1- P.K. Tapadar and he has proved Exts. M-1 and M-2.

The workmen have produced WW-1- Shyam Lal Kurmi and he has proved Exts. W-1 to W-8.

5. As per paper filed by the workmen Ext. W-2 Shyam Lal Kurmi has been given training of Lathe machine from 16-11-88 to 16-1-89 for two months and as per Ext. W-1 he has been given order for training of lathe machine, as per Ext. W-3 he is authorised by the Project Engineer vide Office Order No. Ref: P.E (X) JHK/Authorisation-3/94/913 dated 26-12-94 to work on lathe machine as and when required and as per Ext. W-4 he has authorised to work as a E.P. Turner for 15 days and as per Ext. W-5 he has been authorised to work as a E.P. Turner. As per Exts. W-6 Ful Mohammed has been given for repair and maintenance of Engine Section, Pay loader and washing of workshop equipment, as per Ext. W-7 he has been ordered by the Project Engineer on 16-3-2000 to make arrangement 8 Nos. of nut for coupling bolt of shovel and Ext. W7/1 is for repairing bolt of shovel with lathe machine dt. 6-4-2000. As

per Ext. W-7/3 dated 9-8-2000 he has been ordered for steering hose pipe thread make of shovel 436, as per Ext. W-7/4 to repair lathe machine on 26-8-2000 and as per Ext. W-7/5 on 3-11-2000 for making 8 nos. of pin of Track Pad, as per Ext. W-7/6 dated 16-11-2000 addressed to Shyam Lal Kurmi to make 2 nos. new grease adopter of shovel 436 and as per Ext. W-7/7 dated 29-11-2000 to make Tic rod of Bolt L. V. Ring. These documents show that the management has taken the work from Shyam Lal Kurmi as Mechanic-cum-Fitter an Turner.

6. The management's witness MW-1 admitted that the workmen were working as helper in Excavation Section, and initial appointment is made there on Category-I and Category-II and thereafter grade starts from Category 'D'.

7. As per WW-1, Shyam Lal Kurmi, it has been stated in cross-examination that Ful Mohammed has not got training. It shows that Ful Mohammed has been promoted from Category-I to Category-II and in this respect he is not entitled for any promotion in Grade 'D' or 'E'. But as regards Shyam Lal Kurmi he has been given training and also worked as per Exts. W-3 to W-7/7. The management has promoted number of persons as per Ext. M-1. Shyam Lal Kurmi has been promoted to Grade 'D' at serial no.42 and Ful Mohammed has been regularised in Category-II w.e.f. 8-9-90 as per Ext. M-2 and Shyam Lal Kurmi has been given Misc. Mazdoor Category-I from 8-9-90 and also given the job of turning on lathe machine. But as per documents filed by the workmen issued by the management show that Shyam Lal Kurmi is performing the job of mechanic-cum-fitter and turner work and he has not been promoted and given his Category as per rules.

8. In the facts and circumstances stated above, the award is made.

The action of the management of Jharkhand Colliery of C.C.Ltd. in not regularising and not making payment of difference of wages of Shyam Lal Kurmi is not justified. Accordingly, the concerned workman, Shyam Lal Kurmi is entitled to be regularised as Category-VI w.e.f. 1-1-82 and difference of wages between Category-V and Category-I w.e.f. 1-1-1982 and difference of wages between Category-V and Category-I w.e.f. 1-2-1989. As regards Ful Mohammed he is not entitled to any relief. Accordingly, the management is directed to implement the award within one month from the date of publication of the award.

H. M. SINGH, Presiding Officer.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2862.—औषधिक विवाद अधिनियम, 1947 (1947 का 14 की धा. 17 के अनुसार मैं, केन्द्रीय सरकार मैं दिसंको 6 और 7 पिंटस कोलिनटी के प्रवासांत के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औषधिक विवाद में केन्द्रीय

written statement is false and incorrect. The management has adopted the pick and choose policy in connivance with the recognised union and has neglected the genuine claim of the concerned workman.

4. The written statement has been submitted on behalf of the management and it has been stated that there is no employer employee relationship exists between the management and the concerned person, Ashok Kumar, so no industrial dispute can be raised for employment of Ashok Kumar. The sponsoring union, Jharkhand Colliery Mazdoor Union has not been recognised by the management and the workmen of the colliery have not become members of the said union. Ganesh Prasad during his service period was a member of the recognised union, Rashtriya Colliery Mazdoor Sangh and he had informed the management that he was a member of the R.C.M.S. Therefore, the sponsoring union has no locus standi to take up any case of late Ganesh Prasad as he was never a member of the sponsoring union. As Ashok Kumar is not a workman of the company he cannot become the member of any union and no union has any right to raise any industrial dispute on his behalf. The present dispute is not arising out of any industrial dispute and the reference is liable to be rejected on this ground. Ganesh Prasad, the father of the concerned person, Ashok Kumar was employed as Fitter-cum-Operator at Jamadoba colliery on 1-11-77 and he was subsequently transferred to 6 & 7 Pits colliery and he died on 23-10-93 and he put a total period of 15 years 11 months and 22 days service under the company. As per the procedure for employment of dependents of the employees of the company a workman is required to get two of his dependents enrolled in the Employees Dependents Register after putting 15 years of service and in case of future vacancies the dependent of the employee is provided employment according to his seniority. It has been submitted that Ganesh Prasad did not get any of his dependents enrolled in the Employees Dependents Register after completion of 15 years of service and he died on 23-10-93. As per the strict procedure no dependent of an employee can be provided employment unless his name is registered in the Employees Dependents Register during the tenure of service of a workman. It has been alleged for providing employment to the dependent, the Company employment procedure is followed in preference to NCWAs. It is submitted that employment of dependents is given according to existence of vacancies to fill up vacant post. As the management is required to provide employment to dependents of each and every employee as per its procedure, the demand for employment is ever increasing and several dependents remain on waiting list for their appointment in terms according to seniority. Therefore immediately after completion of 15 years of service the dependent of an employee cannot get his chance for his employment and is to wait on the roll till his vacancy arises for his employment. It has been alleged

that Ashok Kumar may submit his mercy petition and his name may be enrolled if the joint decision can be made by the management and the recognised union; RCMS as a special case and his case may be considered for his employment against future vacancies alongwith other eligible candidates. It is submitted that the conciliation proceeding was initiated and the management representative tried to consider the case of Ashok Kumar for his enrolment in the Employees Dependents Register after putting his case before the joint committee. The sponsoring union did not agree for the advice of the management and demanded for outright employment of Ashok Kumar for which he was not entitled for and ultimately the conciliation failed.

It has been prayed that an award may be passed holding that Ashok Kumar is not entitled to any relief.

5. The management has adduced MW-1- Sudhir Prasad Sinha as management's witness.

The concerned workman has produced WW-1 Ashok Kumar and he proved Exts.W-4, W4/1, W-3 and W-3/1.

6. The main argument on behalf of the management is that the name of Ashok Kumar has not been mentioned by his father in the Employees Dependents Register. In this respect the learned counsel for the workman argued that he had given his application for employment of his son, Ashok Kumar for registering in the Employees Dependents Register as per Ext.W-3 which has been proved by Ashok Kumar, WW-1. The concerned workman's late father failed application for registering the name of his son Ashok Kumar for employment. It is upto the management who registers it or not. The management has not produced its register of Dependent Employment so that it can be gathered that the register has been properly maintained or not. In this respect MW-1 stated in his cross-examination that he has not filed any paper to show the number of dependents waiting for employment. It only shows that the management always hide and seek the Employees Dependent Register, so that it can discourage of any merit as per document and admission of the management. Late Ganesh Prasad had completed 15 years of his service and died due to T.B. as per Ext.W-1. It has been admitted that Ashok Kumar's father died after putting 15 years of services and died due to T.B. and it was agreed by the management before A.L.C. (C) on 25-3-96 that employment be given to Ashok Kumar, but it has not been done so. Moreover, in the written statement it has been admitted by the management in para 12 that the concerned person may submit his mercy petition and his name may be enrolled if the joint decision can be made by the management and the recognised union, RCMS as a special case and his case may be considered for his employment against future vacancies alongwith other eligible candidates. It shows that the concerned workman's late father gave application

for registering the name of his son in the Employees Dependent Register and he died due to T.B. after putting 15 years of service and the management had considered and assured for his employment as per para 12 of the written statement and Ext. W-2 conciliation proceeding before A.L.C. (C), but it has not been by the management best reason known to them.

7. It is very surprising and harmful circumstances and callous attitude taken by the management that a workman who had put 15 years of service and as per rules the dependent can get employment and the workman died due to T.B. and the employment is not given to his son on this ground or another ground. That is not wiseable attitude adopted by the management.

8. The learned counsel of the management argued that the Jharkhand Colliery Mazdoor Union is not existing and it is not working in TISCO. This is no ground of rejection of employment of Ashok Kumar that such union is not existing of which his father was a member. Another ground of the management is that there is no provision for employment in case of death, but in para 12 of the written statement of management it has been stated that there is provision for employment of dependent and they maintain Employees Dependents Register for giving employment to the permanent workmen of the company who has put 15 years of service.

9. The management has filed a copy of award in Reference No. 88 of 1984 regarding employment on the ground of disabled permanently in terms of para 9.4.3 of NCWA-III which does not apply in the present case and has got no relevancy.

10. The learned counsel for the workman referred F.L.R. 1922 (64) page 990 in which Hon'ble Allahabad High Court held that the appointment of an incumbent for compassionate reason in the light of recent laws as well Government Orders gets the top priority. At present it has come to the extent of creation of new post. The counsel also referred a judgement reported in 1999 (83) F.L.R. 29 on which Hon'ble Delhi High Court laid down that Section 2 (k) and 10 of Industrial Disputes Act, 1947 Industrial Disputes—Even a dispute between an employer and his workman—which is connected with the non-employment of any person—can be an industrial dispute—Beneficiary of claim need not be a workman of the employer. Entitlement to be appointed on compassionate grounds—An industrial dispute—can be referred for adjudication.

11. Accordingly, I render the following award—The action of the management of M/s. TISCO in denial to provide employment to Ashok Kumar son of late Ganesh Prasad is not justified. Hence, the management is directed to provide employment to Ashok Kumar, dependent son of late Ganesh Prasad, within two months from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की आरा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा कमबाटा एविएशन प्रा. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रबंध न्यायालय, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/31/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2008 को प्राप्त हुआ था।

[सं. एस-11012/49/2007-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/31/2007) of the Central Government Industrial Tribunal-cum-Labour Court, 2 Mumbai- now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Combata Aviation Pvt. Ltd. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-11012/49/2007-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/31 of 2007

Employers in Relation to the Management of Combata Aviation Pvt. Ltd.

Combata Aviation Pvt. Ltd.
Hangar No. 3, Juhu Aerodrome
Mumbai-400 054.

AND

Their Workmen

Mr. Manoj Anant Tawde
10, Krishna Bai Chawl
Tawri Pada
Dr. S. S. Rao Road
Mumbai-400 012.

APPEARANCES

For the Employer : No appearance.

For the Workmen : No appearance.

Mumbai, dated 25th July, 2008.

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/49/2007-IR (CM-I) dated 12-7-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Cambata Aviation Pvt. Ltd., Mumbai in dismissing the services of Shri Manoj Anant Tawde, Assistant Supervisor w.e.f. 31-1-2007 is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. Though notices served on both vide Ex-3 & Ex-4, none appeared in the proceeding. So reference is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of
for want of prosecution.

Date: 25-7-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

कार.आ. 2864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार में, कम्बाया एविएशन प्रा. लि. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुसन्धान में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय मुम्पाई -2 के पंचाट (संदर्भ संख्या सी बी आई टी-2/32/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2008 को प्राप्त हुआ था।

[सं. एल-11012/50/2007-आईआर (सी-1)]

स्नेह सत्ता अवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.CGIT-2/32/2007) of the Central Government Industrial Tribunal/ cum/Labour Court, Mumbai-2 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Cambata Aviation Pvt. Ltd. and their workmen, which was received by the Central Government on 11-9-2008.

[No. L-11012/50/2007-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/32 of 2007

Employers in Relation to the Management of Cambata Aviation Pvt. Ltd.

Cambata Aviation Pvt. Ltd.
Hangar No. 3, Juhu Aerodrome
Mumbai-400 054.

AND

Their Workmen

Mr. Girish Shrikant Kulkarni,
I-A/8, G.B.G.J. Co-operative Housing,
Saibaba Nagar,
Boriuli (W),
Mumbai-400 092.

APPEARANCES

For the Employer : No appearance
For the Workmen : No appearance

Mumbai, dated 25th July, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/50/2007-IR (CM-I) dated 12-7-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Cambata Aviation Pvt. Ltd., Mumbai in dismissing the services of Shri Girish Shrikant Kulkarni, Assistant Supervisor w.e.f. 31-1-2007 is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. Though notices served on both vide Ex-3 & Ex-4, none appeared in the proceeding. So reference is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of
for want of prosecution.

Date: 25-7-2008

A. A. LAD, Presiding Officer

to officer cadre JMG-1 in 2002 on qualifying the written promotion test. Thereafter he was awarded punishment of dismissal from the Bank Service with immediate effect without notice vide order of Chief Manager/Disciplinary Authority, Dena Bank, Regional Office, Bhopal bearing No. ROB/Per/1078/2006 dated 30-8-06. The dismissal order was issued by the Chief Manager who is subordinate to the appointing authority in clear violation of Article 311 (1) of Constitution of India. He was not allowed by the Enquiry Officer to cross examine the management's witness on the relevant points. That there are discrepancies of facts in the documents submitted by the Hotel Manager and Investigating Officer. That prejudice has been caused to the complainant as sub-rule-17 of Regulation 6 of Officer Employees (Discipline and Appeal) Regulations, 1976 was not followed. It is prayed to decide the complaint set out above and pass such orders as the court deems fit and proper.

2. The non-applicant/management of Dena Bank has filed reply to the aforesaid complaint. The facts of reply in brief are as follows: That the complainant has filed the present complaint alleging that the non-applicant is guilty of contravention of provisions of Sec. 33 of the I.D.Act, 1947. That the complainant is not a workman as defined under Sec. 2(s) of the I.D. Act, 1947. The complainant was holding the post of "Officer" during the period, the disciplinary action was initiated against him. The service conditions of the complainant was covered by the Dena Bank Officers Employees (Discipline & Appeal) Regulation, 1976, hence the complaint is not maintainable. The complainant is misconceived, frivolous and vexatious. Sec-33 of the I.D.Act, 1947 is not at all applicable in the present case and, hence, the same is liable to be dismissed. That the complainant was initially appointed as cashier-cum-clerk in the year 1978. His probationary services were terminated w.e.f. 26-9-1978 on the ground of several irregularities committed by him. That he was re-appointed on the ground of mercy w.e.f. 29-11-1978. That the complainant was issued a chargesheet on 21-12-1982. That Enquiry Officer submitted his report on 31-5-1984 holding the complainant guilty of charges. The complainant was, therefore, imposed punishment of warning of stoppage of increment. The aforesaid order was modified by Appellate Authority vide order dated 18-1-1985. That the complainant was again issued with a chargesheet dated 20-9-1985. The Enquiry Officer vide his report held the complainant guilty of charges. The complainant was again issued with a chargesheet dated 11-10-85. The Enquiry Officer held him guilty vide his Enquiry Report. The complainant was, therefore, awarded punishment of stoppage of two increments with cumulative effect. Apart from the above, the complainant was issued with several warning letters, memo and charge-sheets. As per promotion Rules, the person who has been punished for such gross misconduct is debarred from appearing in promotion process. And therefore, the complainant was debarred for promotion for a period of 3 years. The complainant has challenged the aforesaid order by raising Industrial Dispute which is pending in this Tribunal-cum-Labour Court No.CGIT/LC/R/247/97. The schedule of reference is as follows:—

"SCHEDULE"

"Whether the action of the management of Dena Bank in debarring Shri S.K.Gaur from appearing in promotion test and stoppage of two increments with cumulative effect and one increment with non-cumulative effect is legal and justified? If not, to what relief the said workman is entitled to?"

Pending the aforesaid reference, the complainant was issued chargesheet vide Memorandum No. ROB/PER/1616/05 dated 26-11-2005. Shri S.K.Gaur did not submit any explanation to the said chargesheet. A departmental enquiry was therefore, conducted against the complainant as per rules legally and properly. The Enquiry Officer submitted the enquiry report holding that the following charges have been proved against the complainant:—

(i) Failed to maintain utmost devotion, diligence and honesty while discharging his duty to take requisite steps to protect the interest of the Bank.

(ii) Committed fraud on the Bank by claiming HA/TA claim submitting fake and fabricated Hotel Bills.

(iii) Lack of honesty and integrity.

(iv) Doing acts unbecoming of an officer employee.

The copy of Enquiry Officer's findings dated 26-5-06 had been sent to Shri S.K.Gaur who submitted his submission vide letter dated 2-7-2006. The Disciplinary Authority concurred with the findings of the Enquiry Officer that all the articles of charges levelled against Shri S.K.Gaur were proved. Therefore, in exercise of powers conferred upon Disciplinary Authority in terms of Regulation 7 (3) of Dena Bank Officer Employees' (Disciplinary & Appeal) Regulation, 1976 imposed the following penalty on Shri S.K.Gaur:—

"Dismissal from Bank's service with immediate effect without notice."

The following has been pleaded on behalf of the non-applicant/management. That it is not correct that Chief Manager is incompetent to impose punishment of Dismissal as he is below the rank of Appointing Authority. However, the amendment to Schedule and Regulation 18 of Dena Bank Officer Employees (Discipline & Appeal) Regulation 1976 was adopted by the Board as its meeting held on 10-3-04 and the above amendment has been published in Gazette of Government of India No. 23, dated 5-6-04. The complainant Shri S.K.Gaur was provided full opportunity to adduce evidence in enquiry in his defence as well as full opportunity to defend his case. That the grounds for dismissal of services of complainant has no relationship with the dispute vide reference case No. CGIT/LC/R/247/97 pending before this tribunal. On this ground, the provisions of Sec. 33 are not attracted and, therefore, the application under Sec. 33 of the I.D.Act is not maintainable. It is prayed by Non-applicant/management that the complaint be dismissed.

3. Complainant Shri S.K.Gaur in support of his complaint examined himself. The non-applicant in order to defend the complaint examined their witness Shri R.D.Negi, then working as Manager (Personnel), Dena Bank, Regional Office, Bhopal.

4. Non-applicants also filed the Photostat copies of memo alleged to be issued to the complainant Shri S.K.Gaur, articles of charges, statement of allegations and amendment of Schedule and Regulation-18 of Dena Bank Officer's Employees (Discipline and Appeal) Regulation 1976-Review. No document has been filed on behalf of the complainant.

5. I have heard Sardar Harvinder Singh, Advocate for the complainant and Shri A.K. Shashi, Advocate for the non-applicant.

6. I have very carefully gone through the entire evidence on record.

7. In para 4 of the complaint, the complainant has made averment that his dismissal order was issued by the Chief Manager who is subordinate to the Appointing Authority in clear violation of article 311 (1) of the Constitution of India. The same has been submitted by the learned counsel for the complainant during the course of argument. It has been pleaded in the reply that it is not correct that the Chief Manager is incompetent to impose punishment of dismissal as he is below the rank of Appointing Authority. That the amendment to Schedule and Regulation-18 of Dena Bank Officer's Employees (Discipline and Appeal) Regulation, 1976 was adopted by the Board at its meeting held on 10th March-04 and the above amendment has been published in Gazette of India at No. 23 dated 5-6-04. That by virtue of the said amendment the Chief Manager posted in the Regional Office is the Disciplinary Authority to take action against Officers in pay scale of JMG Scale-I, MMG Scale-II & III. As such the Competent Authority has imposed punishment on the complainant. The learned counsel for the non-applicant has also submitted the same during the course of argument. It has been admitted to the complainant that he was promoted from award staff to Officer Cadre, JMG-I in 2002. The non-applicant has filed Photostat copy of circular No 132/19/2004, Personnel Department dated 16-7-04, the amendment aforesaid. It clearly reveals that the Chief Manager posted in the Regional Office is Disciplinary Authority to take action against officers in pay scale of JMG Scale-I, MMG Scale-II & III. It is, therefore, concluded that the Chief Manager was competent to impose the punishment of dismissal on the complainant from the Bank services.

8. The learned counsel for the complainant submitted that the complainant's reference No. CGJITLC R 247/97 against the non-applicant is pending before this Tribunal, during the pendency whereof the complainant has been dismissed with immediate effect without notice vide order dated 30-8-06 without obtaining approval of this Tribunal in contravention of provisions of Sec. 33(2)(b) of the L.D. Act, hence the disciplinary action taken against the complainant is without jurisdiction and is, therefore, liable to be set aside. It is admitted to the non-applicant that the

aforesaid reference of the complainant against the non-applicant is pending for adjudication in this Tribunal. The learned counsel for non-applicant submitted that the provisions of L.D. Act are not applicable in this case as the complainant is not a "workman" as defined under Sec. 2(s) of the L.D. Act and therefore this Tribunal has no jurisdiction to hear this matter. Against the above, the learned counsel for complainant submitted that during the period, the Disciplinary action was initiated, complainant was the "workman" as defined under Sec. 2(s) of the L.D. Act and this Tribunal-Cum-Labour Court has jurisdiction to decide this complaint. He further added placing reliance on 1996(1) All India Banking Law Judgments 137 in the case of Bank of India versus Presiding Officer, Central Government Industrial Tribunal and others of the hon'ble Punjab and Haryana High Court that the onus is on the Bank to establish that the complainant was not a workman as he was performing the managerial duties. That mere nomenclature of a post is not enough for the purpose of proving that a particular person falls within the definition of "workman". Non-applicant's witness Shri R.D.Negi in his affidavit deposed that complainant Shri S.K.Gaur is not a workman as defined under Sec. 2(s) of the L.D. Act. During the course of evidence of cross-examination, this witness stated that complainant Shri S. K. Gaur's work was supervisory in nature, such as to sign DD. Pass cheques, authorize miscellaneous vouchers, authorize ledger posting and his job was of administrative capacity. The witness further stated that power of attorney was given to complainant Shri S.K.Gaur. It is worthwhile to note here that no copy of the alleged power of attorney has been brought on record by the non-applicant. Against the above, complainant Shri S.K. Gaur deposed in his affidavit that he is a workman as defined in Sec. 2(s) of the L.D. Act as he was performing the work of clerical, manual and technical nature. This witness has not been cross-examined on behalf of non-applicant on the point as to what was his actual nature of work. The complainant was working as Officer, JMG Cadre-I. The non-applicant has not adduced any documentary evidence to indicate that the complainant was doing managerial duty. I have very carefully gone through the law cited by the learned counsel for the complainant 1996(1) All India Bank Law Judgments 137 (supra). The following has been held therein:—

"We have also considered the main argument of Mr. Sibal when he submitted that respondent No. 2 was not a workman as defined in the proviso to Section 2(s) of the 1947 Act. He was holding a Class-I post in the Bank. His duty was managerial in nature. We are not in agreement with the argument raised by Mr. Sibal. The onus was on the Bank to establish that respondent No. 2 was performing the managerial duties. Merely nomenclature of a post is not enough for the purpose of holding whether a particular person falls within the definition of 'workman' or not. The crux is what type of duties a particular individual performs during the course of his employment under his employer.

It was held in *Shri S.K. Maini v. M/s Carona Sahu Company Ltd., & Ors.*, JT 1994(3)S.C.151, as follows:—

“ It appears to us that whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and material on record and it is not possible to lay down any strait-jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s) , there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complicity of industrial or commercial organisations quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. Burmah Shell Management Staff Association*, (1970) II LLJ 590 (SC). In *All India Reserve Bank Employees' Association v. Reserve Bank of India*, (1965) II LLJ 175 (S.C), it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the concerned employee and not some works incidentally done. In other words, what is, in substance, the work, which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in Section 2(s) of the Industrial Disputes Act.

If the present case is examined in the ratio quoted above, there is no pale of contradiction in our mind that respondent No. 2 falls within the definition of workman.

9. In the case at hand, the non-applicant could not succeed to prove by the reliable documentary evidence

that the disciplinary action was initiated against the complainant, who was not covered by the definition of "workman" given in Sec. 2 of the I.D. Act. The solitary oral evidence deposited during the cross examination of non-applicant's witness Shri R.D. Negi is not at all sufficient to prove that the job of the complainant was of supervisory or managerial nature, in the absence of documentary evidence in that regard. Thus the non-applicant has failed to prove that the complainant was not a "workman" as defined under Sec-2(b) of the I. D. Act when the Disciplinary Action was initiated against him. It means that the non-applicant has failed to prove that this court has no jurisdiction to try this case.

10. The learned counsel for the non-applicant submitted that the complainant is a habitual defaulter, he has been served several times with chargesheets, punished and warned by the non-applicant. That the non-applicant's action of not retaining him in Bank's service is not unjustified. The learned counsel for the complainant submitted that the past conduct for which the complainant has been punished and warned has no concern with this complaint. The submission made by the learned counsel for the complainant has force. In the complaint at hand, it is to be decided as to whether the non-applicant took the disciplinary action against the complainant in accordance with provisions of I.D. Act. What actions have been taken by the non-applicant against the complainant in the past is not material for deciding this complaint case.

11. The learned counsel for non-applicant submitted that assuming for the sake of argument only, but not admitted, even if the provisions of Sec. 33 of the I.D. Act are attracted to a case where the management/non-applicant has taken action in regard to any matter connected with the dispute. That the earlier dispute is in connection with debarring the complainant from taking part in promotional test for getting promotion whereas in the present dispute, the disciplinary action has been initiated against the complainant on ground of gross misconduct of committing fraud and causing financial loss to the Bank while he was working as an Officer of the Bank and, therefore, on this ground alone, the complaint under Sec. 33 of the I.D. Act is not maintainable. The learned counsel for the complainant submitted that the non-applicant has committed breach of provisions of Sec. 33(2)(b) of the I.D. Act. He added that the complainant has been awarded punishment for dismissal with immediate effect without notice vide order dated 30-8-06 of Chief Manager/Disciplinary Authority, Dena Bank, Regional Office, Bhopal which was modified in appeal to compulsory retirement from the Bank with immediate effect without notice and the said order was passed by the non-applicant without getting approval of this Tribunal. He emphasized that under the provisions of Sec. 33(2)(b) of the I.D. Act, the misconduct is not required to be connected with the pending dispute.

12. The relevant portion of Sec. 33 reads as under:

"Complaints of service, etc., to remain untried under certain circumstances during pendency of proceedings, i.e., (1) During the pendency of any disciplinary proceeding before a committee, tribunal or a board or of any proceeding before an Arbitrator or an Appellate or Tribunal or National Tribunal in respect of an industrial dispute over wages, unless—

- (a) In case of any matter committed to the Arbitrator, to the prejudice of the complainant, such a decision in such dispute, the complainant is of view, is applicable to them but as to which, the court accedes of such a proceeding;
- (b) In case of an industrial dispute, if the dispute, in charge of particular officer, is dismissed or otherwise, an application is received in such dispute, same to be disposed of, with the express permission in writing of the concerned officer before which the proceeding is pending;

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employee may, in accordance with the standing orders applicable to him as a workman, apply to the non-applicant, who is in charge of such standing orders, in accordance with the terms of the contract, who is a supervisor, implied between him and the workman.

- (a) if such a request is made before the pendency of the dispute, in charge of particular officer, who is in charge of such proceeding;
- (b) to the concerned officer or supervisor of the dispute, in charge of particular officer, who is in charge of, otherwise, that workman.

Provided that a such workman shall be allowed to apply or dismissed, if he has been paid wages for a month and an application has been made by the employee to the authority before which the proceeding is pending for approval of the return taken by the employee.

13. It is very clear from the last portion of Sec. 33(2)(b) of the 12 L.D. Act that the misconduct is not required to be connected with the pending dispute, it is clear from the above legal pleadings of the court that, if no approval is given, then no weighty disciplinary management or disciplinary action taken against the complainant.

14. It is observed by the learned counsel for the non-applicant that the complainant was issued a charge sheet vide memo no. 1003 PER 10th of January 2008 for the acts of non-passion and omission of the managing Officer at Pisciculture Branch, Ujjain. For the pendency in

August 2002 to 25-11-2005, that the complainant submitted no explanation to the said charge-sheet, a Departmental Enquiry was constituted on the said chargesheet and the charges were found proved against the complainant. The Competent Authority held that the misconduct established against the complainant shows lack of honesty, integrity and he has caused loss and loss to the Bank and therefore, in exercise of power, conferred upon Disciplinary Authority in terms of Regd. No. 7(3) of Dena Bank Officer Employees' Disciplinary & Appeal Regulation, 1976 imposed the following penalty on complainant, "Dismissal from Bank's Service w.e.f. immediate effect without notice." The statement of witness on record indicates that the charge levelled against the complainant was that he had submitted fake and falsified hotel bills and defrauded the Bank by claiming Rs. 11,14,140 on the basis thereof. It is alleged in the complaint that the DR was not conducted legally and properly and in accordance with rules. That the complainant was refused to examine his witness in defence and he was not given proper opportunity to cross-examine the non-applicant's witness etc. Against the above, it has been pleaded by the non-applicant that the enquiry was conducted legally and properly according to rules and following the principles of natural justice. In his affidavit, the complainant Shri S. K. Gaur deposed that he vide letter dated 19-12-2005 requested the Chief Manager for giving him personal hearing but, the same was turned down, whole enquiry is an eyewash and without affording reasonable opportunity of hearing to the complainant, the complainant was not allowed to cross-examine the non-applicant's witness etc. Against the above, it has been pleaded by the non-applicant that the enquiry was conducted legally and properly according to rules and following the principles of natural justice. In his affidavit, the complainant Shri S.K. Gaur deposed that he vide letter dated 19-12-2005 requested the Chief Manager for giving him personal hearing but the same was turned down. The whole enquiry is an eyewash and without affording reasonable opportunity of hearing to the complainant. The complainant was not allowed to cross-examine the non-applicant's witness properly and his request to examine the Head Manager was turned down. Against the above, the non-applicant's witness Shri R.D. Negi in his evidence on cross-examination deposed that he has no knowledge regarding the departmental enquiry conducted against the complainant. The non-applicant has not cared to file record of DR. To enable this court to consider as to whether it was conducted legally and properly. The non-applicant's witness Shri R.D. Negi deposed that he has no knowledge regarding the DR. Under the above facts and circumstances, this court is left with no option but to hold that the Departmental Enquiry is vitiated. It is, therefore, held that the Departmental Enquiry is vitiated.

15. The proviso of Sec-33(2)(b) of the I.D. Act is that an employer may for misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise a workman. The proviso lays down that no such workman shall be discharged, or dismissed unless he has been paid wages for one month and application has been made by the employee to the Authority before which the proceeding is pending for approval of the action taken by the employer. There is no evidence on record to indicate that the complainant was paid wages of one month. Similarly there is no evidence of non-applicants on record that the application was made by the non-applicant to this Tribunal for approval of the action of dismissal or compulsory retirement with immediate effect from the service of Bank was taken against complainant. Now it is well settled that the requirements of proviso have to be satisfied by the employer on the basis that they form part of the same transaction. It is concluded from the above that the non-applicant passed the order of dismissal or compulsory retirement of complainant Shri S.K. Gaur from Bank's service in contravention of the provisions of Sec-33(2)(b) of the I.D. Act. Therefore the said order of dismissal or compulsory retirement of the complainant employee from the Bank services with immediate effect is bad in law and liable to be set aside and therefore the order dated 30-8-06 of dismissal of Shri S. K. Gaur from Bank's services with immediate effect which was later on modified on 28-2-07 by the Appellate Authority to compulsory retirement of complainant Shri S. K. Gaur from bank's services with immediate effect is liable to be set aside.

16. The complainant has not made any averment in the complaint that after he was deprived of his service of Dena Bank, he has not been gainfully employed. Under the circumstances, I am of the considered opinion that the non-applicant cannot be directed to give the back wages with all benefits.

17. In view of the above, the complainant under Sec. 33 of the I.D. Act is allowed with costs holding that the order dated 30-8-06 of dismissal of complainant Shri S. K. Gaur from Bank's services with immediate effect without notice modified in appeal to compulsory retirement from Bank's service with immediate effect without notice, is set aside and the non-applicant Bank is directed to reinstate Shri S.K. Gaur in Bank services.

18. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2008

का. आ. 2867.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच

अनुष्ठन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 51/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/223/2004-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th September, 2008

S.O. 2867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. 51/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial dispute between the management of Nagpur Area WCL, Kamptee Sub Area, and their workmen, received by the Central Government on 18-9-2008.

[No. L-22012/223/2004-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No CGIT/NGP/51/05

Date : 2-9-2008

Petitioner/ : The General Secretary, Koyla Shramik
Party No. 1 Sabha,
Ingole Layout Laxmi Nagpur, Zingabai
Takli, Godhni Layout Nagpur

VERSUS

Respondent/ : 1. The Chief General Manager,
Party No. 2 Nagpur Area of WCL Nagpur;
and
2. The Sub Area Manager,
WCL, Kamptee Sub Area
Kamptee, Nagpur

AWARD

(Dated : 2nd September, 2008)

1. The Central Government after satisfying the existence of dispute between the General Secretary, Koyla Shramik Sabha, Ingole Layout Laxmi Nagpur, Zingabai Takli, Godhni Layout Nagpur (Party No. 1) and 1. the Chief General Manager, Nagpur Area of WCL, Nagpur; 2. the Sub Area Manager, WCL, Kamptee Sub Area Kamptee, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/223/204-IR(CM-II) dated 29-6-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. Whether the action of the management of Western Coalfields Limited through its Chief General Manager, Nagpur Area, Jaripatka, PO Jaripatka, Dist.

Nagpur and the Sub Area Manager, Kamptee is not paying the daily allowances to the workers transferred from Inder Colliery of Kamptee Sub Area to Silewara Sub Area to Western Coalfield Limited on temporary basis is legal and justified? If not, to what relief the concerned workers are entitled?

3. The reference came up for hearing on 11-8-2008 on which also the petitioner was absent. He has not even filed a statement of claim. I do not think it proper to continue it on the same stage from 2-3-2007. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it is dismissed for the default of the petitioner and I am passing the negative award that he is not entitled for any relief.

Date : 2-9-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2008

कांगड़ा 2869. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अजय नवोदय विद्यालय के प्रबंधन के संबंध नियोजकों और उनके कमीशनर के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारी, कोटा के पंचायत (संदर्भ सं. 15/2003) के प्रबंधित करते हैं, जो केन्द्रीय सरकार को 18-9-2008 को प्राप्त हुआ था।

[सं. एन-42012/200/2002 आईआर. (संघर्ष 11)]
अजय नवोदय विद्यालय, देहली औद्योगिक

New Delhi, the 18th September, 2008

S.O. 2868. In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. 15/2003) of the Industrial Tribunal, Kota as shown in the Annexure, in the Industrial dispute between the management of Jawahar Navodaya Vidhyalaya and their workmen, received by the Central Government on 18-9-2008.

[No L-42012/200/2002-IR(15/1)]
AJAY KUMAR GAUR, Desk Officer

अनुबंध

नियोजक, औद्योगिक न्यायाधिकारा/केन्द्रीय/कोटा राज पीठासीन अधिकारी, श्री वर्दीनाथ धीना, आरा.न.वि.राम.

निर्देश प्रकरण क्रमांक : ओ. न्या./केन्द्रीय/-15-03

दिनांक संकायित्र : 31-3-03

प्रसंग : भारत सरकार, श्रम न्यायालय, नई दिल्ली के आदेश सं. एन-42012/200/2002(आईआर) संघर्ष 11
दिनांक 11-3-2003

नियोजक विवाद अन्तर्गत धारा 10(1)(ज)

औद्योगिक विवाद अधिनियम, 1947

प्रथम

राकेश कुमार, पुत्र श्री शावलाल
द्वारा श्री बलदेवसिंह, श्रप्त अवाहकार, डडोबाड़ा कोटा जंक्शन

-प्रार्थी श्रमिक

द्वितीय

प्रिसिपल, जवाहर नवोदय विद्यालय, अटरू, जिला आरा.राज.

-अप्रार्थी नियोजक

तृतीय

प्रार्थी श्रमिक को ओर से प्रार्थित : श्री बलदेव सिंह

अप्रार्थी नियोजक की ओर में प्रार्थित : श्री हवा सिंह

अधिनियम दिनांक : 4-8-08

अधिनियम

भारत सरकार, श्रन ग्रंथालय, नई दिल्ली द्वारा आगे उक्त औद्योगिक आदेश के जरिये नियन्त्रित नियोजक विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तद्रस्त "अधिनियम" में संशोधित किया जायेगा) की धारा 10(1)(ज) के अन्तर्गत इस न्यायाधिकारण के अधिनियम के लिए समर्पित किया गया है :—

"Whether the conciliation of workman Shri Rakesh Kumar that he has worked continuously for more than 240 days in consecutive 12 months during the period from 10-11-1999 to 15-1-2001 is correct and justified? If yes, whether the act of the Principal, Jawahar Navodaya Vidhyalaya, Attoo in terminating the services of the claimant from 16-1-2001 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?"

2. नियोजक विवाद, न्यायालय के 11 में प्राप्त होने पर पैरावद्ध उपराज पक्षकारों को सूचना विधिवत् तरीके से जारी को गयी।

3. प्रार्थी श्रमिक राकेश कुमार जी ओर से अपेक्षित प्रस्तुत कर संक्षिप्त; अधिक भूल किया गया है कि उसे अप्रार्थी जवाहर नवोदय विद्यालय, अटरू, 1994 तद्रस्त "अप्रार्थी नियोजक" से सम्बोधित किया जावागा। ज्ञान नं. 10-11-99 से हल्दीप के पद पर 700 रु. प्र. माह वेतन पर 10-1-03 में नियोजित किया गया था, तब से निरन्तर कार्य करते आ रहे थे 10-1-03 से मौखिक आदेश से संबंध से होता दिया गया। यानी श्रमिक ने उक्त नियोजकाचार्यि न निरन्तर कार्य करते हुए 240 दिन से पूर्व अधिक समर्पण तक कार्य कर लिया था, किन्तु हटाया था। अधिनियम की धारा 25-एफ के प्रावधानान्तरात् एक माह का नियोजन अधिकारी नियोजक वेतन के गुणात्मक नहीं दिया, नियोजक विवाद अन्तर्गत धारा 10(1)(ज) का ग्रहण नहीं किया, कमिक्ष श्रमिकों को कार्य पर चाहते रहा गया जो नियम विरुद्ध है।

पिछले सम्पूर्ण वेतन व समस्त सुविधाओं सहित सेवा में बहाली का अनुतोष प्रदान किया जाए।

4. अप्रार्थी नियोजक की ओर से क्लेम का जबाब प्रस्तुत कर प्रतिवाद किया गया है कि प्रार्थी को उनके द्वारा किसी भी आदेश से मेस हेल्पर के पद पर नियुक्त नहीं किया गया। कार्य आकस्मिक की उपलब्धता होने के कारण पूर्ण रूप से दैनिक वेतन भोगी के रूप में उसे नियुक्त किया गया था जो कार्य समाप्ति के पश्चात् उसकी सेवाएं स्वतः ही समाप्त हो जाती थीं। उसने 10-11-99 से निरन्तर कार्य नहीं किया और ना कभी 240 दिन तक लगातार कार्य किया। प्रार्थी को अधिक विरोध हेतु ही कार्य की उपलब्धता के आधार पर रखा गया था जो अधिक समाप्ति के साथ ही कार्य से अलग हो गया। अधिनियम के प्रावधान प्रार्थी पर लागू नहीं होते हैं और उसका समस्त क्लेम असत्य, आधारहीन, सारहीन व विधि विरुद्ध है। प्रार्थी किसी प्रकार के अनुतोष का अधिकारी नहीं है, क्लेम सव्यय निरस्त किया जाये।

5. साक्ष्य में प्रार्थी श्रमिक की ओर से स्वयं का तथा अप्रार्थी नियोजक की ओर से अनिमेश पाल, प्राचार्य जवाहर नवोदय विद्यालय, अटल का शपथ-पत्र प्रस्तुत कर परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है।

6. बहस विद्वान प्रतिनिधिगण पक्षकारान की सुनी गयी, पत्रावली व उपलब्ध साक्ष्य तथा सामग्री का ध्यानपूर्वक परिशेलन किया गया।

7. प्रार्थी श्रमिक के विद्वान प्रतिनिधि द्वारा तक दिया गया है कि प्रार्थी श्रमिक ने अप्रार्थी नियोजक के विद्यालय मेस में हेल्पर के पद पर दि. 10-11-99 से नियोजित होकर निरन्तर 16-1-01 से पूर्व 12 कलेण्डर माह में 240 दिन से अधिक समय तक कार्य कर लिया था। प्रार्थी श्रमिक को अप्रार्थी नियोजक द्वारा सेवा से हटाये जाने से पूर्व अधिनियम की पालना नहीं की गयी। प्रार्थी श्रमिक सेवा में निस्तरता सहित पुर्णस्थापित होने का व समस्त वेतन प्राप्त करने का अधिकारी है। यह भी कथन रहा है कि प्रार्थी श्रमिक को नियुक्ति-पत्र व भुगतान सम्बन्धी किसी प्रकार का कोई प्रलेख/अभिलेख उपलब्ध नहीं करवाया गया है जो उचित नहीं है।

8. अप्रार्थी नियोजक की ओर से विद्वान प्रतिनिधि द्वारा तक दिया गया है कि प्रार्थी श्रमिक ने निरन्तर सेवा पूर्वक पूर्ववर्ती वर्ष या उससे पूर्व 240 दिन का कार्य नहीं किया है। प्रार्थी स्वयं कार्य की उपलब्धता होने पर आकस्मिक कार्य हेतु विशेष कार्यावधि तक ही दैनिक वेतन भोगी श्रमिक के रूप में कार्यरत रहा है और कार्य की उपलब्धता समाप्त होने व कार्यावधि समाप्त होने के साथ को उसकी सेवाएं स्वतः समाप्त हो जाती थीं। प्रार्थी श्रमिक ने जो भी कार्य किया, उसका भुगतान उसे नियमानुसार किया गया है। प्रार्थी श्रमिक ने मात्र 170 दिन ही कार्य किया है, इस कारण अधिनियम के प्रावधानान्तरात कोई अनुतोष का अधिकारी नहीं है। वह स्वयं ही कार्य समाप्ति पर सेवा से समाप्त हो गया। प्रार्थी को दैनिक वेतन भोगी श्रमिक की देय मजदूरी का नियमानुसार भुगतान किया गया है जिस सम्बन्धी समस्त अभिलेख न्यायालय अभिलेख पर प्रस्तुत कर दिया है। उसने

माह मार्च, मई, जून व सितम्बर 2000 में एक भी दिवस कार्य नहीं किया और इस सम्बन्धी कोई दसावेज प्रार्थी श्रमिक की ओर से प्रस्तुत नहीं किया गया है कि उसने कोई कार्य किया हो। प्रार्थी श्रमिक का मामला अधिनियमान्तरात पाने योग्य नहीं होने से वह किसी अनुतोष का अधिकारी नहीं है।

9. पक्षकारों द्वारा प्रस्तुत तकीं पर यन्त्र किया गया, पत्रावली व उपलब्ध साक्ष्य का ध्यानपूर्वक अदलेकन किया गया। प्रार्थी श्रमिक ने अप्रार्थी नियोजक के अधीन नियुक्ति तिथि 10-11-99 से 15-1-01 के मध्य लगातार 240 दिन कार्यस्त होने के स्थिरों के समर्थन में केवल मात्र अपना शपथ-पत्र अभिलेख प्रस्तुत किया है। इसके अतिरिक्त निरन्तर कार्य किये जाने सम्बन्धी कोई टोम प्रमाण या प्रलेख प्रार्थी श्रमिक की ओर से अभिलेख पर प्रस्तुत नहीं हुआ है। जिससे कि उसके कथनों की पुष्टि हो सके। उसका यह भी मामला नहीं रहा है कि जो किसी स्थायी पद पर कार्यरत रहा हो और उसकी नियुक्ति तथा कथित पद पर नियमित रूप में चयन प्रक्रिया अनुसार की गयी हो। उसकी ओर से अभिलेख पर ना तो अप्रार्थी नियोजक द्वारा जारी कोई नियुक्ति-पत्र प्रस्तुत किया गया है और न हो सेवा से हटाये जाने सम्बन्धी कोई प्रलेख प्रस्तुत किया गया है। इसके विपरीत अप्रार्थी नियोजक की ओर से प्रस्तुत साक्षी अनिमेशपाल, प्राचार्य विद्यालय ने अपने शपथ-पत्र में स्पष्टतः अंकित किया है कि प्रार्थी श्रमिक की नियुक्ति स्वयं के कार्य पर आने पर एक आकस्मिक कार्य उपलब्धता तक व कार्य विशेष की समाप्ति तक ही रही थी जिसका समय-समय पर उसे नियमानुसार भुगतान किया जाता रहा है। विशेष कार्य समाप्ति पर प्रार्थी की सेवाएं स्वतः ही समाप्त हो जाती थीं, उसे अप्रार्थी द्वारा जानबूझकर कार्य से नहीं हटाया जाता था। साक्षी का प्रतिपरीक्षा में यह स्पष्टतः कथन भी रहा है कि उनके द्वारा समस्त रिकाई न्यायालय पत्रावली पर प्रस्तुत किया गया है जो उसे भुगतान किया गया है वो भी सारा पेश किया है। हमारे स्कूल रिकाई के अनुसार प्रार्थी ने मई, जून, 2000 में काम नहीं किया है। आगे यह भी कथन रहा है कि प्रार्थी ने मार्च व सितम्बर में भी काम नहीं किया था इसलिए उसकी पै-शीट पेश नहीं की। उसका स्पष्टतः कथन रहा है कि अस्थाई प्रकृति का कार्य था इसलिए आवश्यकता होने पर जो व्यक्ति उपलब्ध रहा उसे ही बुला दिया गया। अप्रार्थी साक्षी ने अपनी प्रतिपरीक्षा में यह भी स्पष्ट कहा है कि वैने भेरा शपथ-पत्र स्कूल रिकाई के आधार पर लिखा है। अप्रार्थी नियोजक की ओर से प्रार्थी श्रमिक द्वारा उनके यहां कार्य विशेष पर कार्य किये जाने सम्बन्धी व भुगतान सम्बन्धी प्रलेख भी प्रदर्श एम. 6 लगा. एम. 29 प्रस्तुत किये गये हैं, किन्तु इनकी गणना से कहीं पर भी प्रार्थी श्रमिक का अप्रार्थी नियोजक के यहां लगातार 12 माह कलेण्डर या सेवापृथक पूर्ववर्ती वर्ष में 240 दिन तक कार्य किया जाना साबित नहीं होता है अत्यंत सम्पूर्ण कार्यावधि में प्रार्थी श्रमिक का आकस्मिक कार्य बतौर कुल 179 दिन ही कार्यस्त होना पाया जाता है। ऐसी स्थिति में अप्रार्थी नियोजक द्वारा अधिनियम के आज्ञा पर प्रावधानों की पालना किया जाना आवश्यक नहीं रहा है और प्रार्थी किसी अनुतोष के अधिकारी होने का पत्र समझे जाने योग्य नहीं है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्पूर्णित निदेश विवाद को अधिनियमित कर इस प्रकार उन्निति किया जाता है कि चौकों प्राथमिक अधिकारी एकेश कुमार यह प्राधिकार न रखने में पूर्णतया असफल रहा है कि उसके द्वारा अप्रार्थी नियंत्रजक विधिवाल, बचावार नवोदय विद्यालय, अटल किंतु वार्ग के अधीन विधिवाल रहकर क्लेम में लापूत विधिवालीधि में या सेवा यूथक तोने की विधि 16-1-2001 से पूर्ववर्ती तार्गत में नियन्त्र 240 दिन या उससे अधिक कार्य कर लिया गया था अर्थात् वह अधिनियमितान्त कोई अनुमति प्राप्त नहीं होने से अप्रार्थी नियंत्रजक से किसी प्रकार का कोई अनुमति प्राप्त करने का अधिकारी नहीं है ।

ब्रह्मलाल रेणु, राज्यपाल

नई दिल्ली, 18 सितम्बर, 2008

का.आ। 2869, अधिकारीक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय सरकार इन्ह. मी.एस. के प्रबंधतात्र के सचिव नियंत्रकों और उनके कर्मकारों के वीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारण, नागपुर के पान्दर (संदर्भ सं. 83/2003) के प्रमाणित करती है, जो केंद्रीय सरकार को 18-9-2008 प्राप्त हुआ था ।

[मा. गा-22012/170/1994-आईआर (वी-11)]

अवय कुमार गोदू, उत्तम शर्मा

New Delhi, the 18th September, 2008

S.O. 2869.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of WCL, and their workmen which it has received by the Central Government on 18-9-2008.

[No. L-22012/170/1994-IR(C-11)]

AJAY KUMAR GAUR, Clerk of

ANNEXURE

BEFORE SHRI A.N. YADAV, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/83/03

Date: 4-9-2008

Petitioner/Party No. 1: The President,

Bahujan Employees
Federation, Walni Mines, Pipla
Sub Area of WCL, Nagpur

Verses

Respondent/Party No. 2: The Sub Area Manager, 17/19
Sillewara, Nagpur

AWARD

(Dated: 4th September, 2008)

1. The Central Government after satisfying the existence of dispute between the President, Bahujan Employees Federation, Walni Mines, Pipla Sub Area of WCL, Nagpur (Party No.1) and the Sub Area Manager, WCL, Sillewara, Nagpur (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/170/94-IR(C-11) dated 21-9-1994 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following Schedule.

2. "Whether the action of the management of Western Coalfields Limited, Sillewara, Sub Area, Distt. Nagpur in dismissing Shri Mahutai Lenged Looder from 10-2-1992 is legal and justified? If not, to what relief is the workman entitled to?

3. The reference came up for hearing on 4-7-2008 on which also the Petitioner and his Counsel were absent. They are not attending the case since last one year. He has not even filed a statement of claim. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it is dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 04-09-2008

A.N. YADAV, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2008

का.आ। 2870.— अधिकारीक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय सरकार के इन विवाद के प्रबंधतात्र के सचिव नियंत्रकों और उनके कर्मकारों जे वीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारण, इसाकूलम के पान्दर (संदर्भ नं. 67/2006) को प्रबंधित करती है, जो केंद्रीय सरकार द्वा 10-9-2008 को प्राप्त हुआ था ।

[मा. गा-12012/157/1997-आईआर (वी-11)]

न.ज. चन्द्रना, अनुभव अधिकारी

New Delhi, the 19th September, 2008

S.O. 2870.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2006) of Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Federal Bank Limited, and their workmen, received by the Central Government on 19-9-2008.

[मा. गा-12012/157/1997-IR (B-11)]

B.L. MANCHANDA, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
Present: Shri P.L.Norbert, B.A.LL.B. Presiding Officer
I.D.67/2006

(I.D.35/1998 of Labour Court, Ernakulam)

Union	:	The General Secretary, Federal Bank Employees Union, Central Office, P.B.No.10, Aluva—683101. By Adv. Shri. C.Anil Kumar.
Management	:	The Chairman, Federal Bank Limited, Head Office, Aluva—683101. By Adv. M/s. B.S.Krishnan Associates.

This case coming up for hearing on 12-06-2008, this Tribunal-cum-Labour Court on 20-06-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:—

“Whether the action of the management of M/s. Federal Bank Ltd. in inflicting the punishments of withholding one annual increment with cumulative effect in respect of Sri. Pranabesh Mandal, Clerk and withholding two annual increments with cumulative effect in respect of Sri. Sanjit Dey, sub-staff for certain alleged malpractice are justified? If not, to what relief the workmen are entitled?”

2. Facts of the case in brief are as follows:- The union has espoused the cause of two bankmen by name Pranabesh Mandal and Sanjit Dey who were proceeded against by the management for misconduct of unfair practice in the promotion test by copying the answers of Pranabesh Mandal by Sanjit Dey with active connivance of each other. Two charge sheets were issued to both workmen and two enquiries were conducted. The workmen were found guilty of the misconduct and the disciplinary authority imposed the punishment of withholding one annual increment with cumulative effect in respect of Pranabesh Mandal and withdrawing of 2 annual increments with cumulative effect in respect of Sanjit Dey.

3. According to the workmen the examination was conducted under strict vigilance and supervision of the management officials. The seating arrangements were made in such a manner so as to rule out any kind of malpractice. None of the invigilators in the examination hall had reported

about any malpractice. Though both of them had come out successful in the examination their results were withheld and they were charge sheeted without any basis. The management has victimized the workmen. The enquiry was conducted violating principles of natural justice. No proper opportunity was given to defend. The evidence was not properly assessed by the Enquiry Officer. There is no sufficient evidence to prove the guilt of the workmen. The disciplinary authority failed to appreciate the evidence on record and imposed a harsh punishment. It is disproportionate to the charges. Though appeals were filed they were rejected by the appellate authority. The findings and punishments are liable to be set aside.

4. According to the management the workmen were involved in serious misconduct of copying answers of one by the other. This could be done only with the co-operation of both. The enquiry Officer conducted separate enquiry in respect of both delinquents. The enquiry was conducted following the principles of natural justice. The workmen were allowed to be represented by the union General Secretary. Copies of documents were given and list of witnesses were provided to the workmen sufficiently in advance. The workmen had cross-examination all the management witnesses and adduced defence evidence. The Enquiry Officer entered findings based on the evidence on record. The Disciplinary Authority had called for the representation regarding the findings and the proposed punishment. Considering the gravity of the misconduct the punishments were imposed. The appellate authority after considering the enquiry proceedings, all connected papers and the contentions of the workmen, concurred with the findings and the punishment and rejected the appeal. There is clear evidence of copying the answers of Pranabesh Mandal by Sanjit Dey. In the circumstances no interference in the findings of Enquiry Officer and the punishment imposed by the disciplinary authority is called for.

5. In the light of the above contentions the following points arise for consideration:-

1. Is the enquiry valid ?
2. Are the findings sustainable ?
3. Are the punishment proportionate ?

The evidence consists of Exts. M1 and M2 enquiry files alone on the side of management.

6. Point No. 1:- Though a contention is raised that the enquiry was conducted without complying with the principles of natural justice and without granting sufficient opportunity to defend, they remain in the realm of mere and bare allegations in the claim statement. No attempt is made to substantiate the contentions. It is seen from the enquiry proceedings in Ext. M1 and M2 that the workmen were represented by General Secretary of the union. The workmen and the defence representative had participated

in the enquiries throughout. They were given copies of documents and list of witnesses on the side of the management. The defence had cross-examined all the management witnesses. They had also adduced defence evidence. Therefore the allegation of the union is without any basis and merites.

7. Point No. 2:- Charges against the two workmen are that they had appeared for promotion test for Banker held on 27-10-90 at D.G. M's Office at Calcutta. Sri Sanjat Dey copied the answers of Sri Pranabesh Mandal and Pranabesh Mandal had permitted Sri. Sanjat Dey to copy the answers from his answer sheet. The matter was reported by the examiner who valued the answer sheet of both employees. Three figures in the answer sheets of Sri. Pranabesh Mandal and Sri. Sanjat Dey were the same. They are:

(i) Interest	26861153
(ii) Grand total product	755861647
(iii) Debit/Credit summation	6408612653

Though Sri. Sanjat Dey had written a wrong figure 28861153 when the figures were summated the answer was 755861647. This was the answer of both Sri. Sanjat and Pranabesh. However in order to arrive at this total sum the first number should have been correct and the correct product was 26861153. Instead of that Sanjat Dey had written 28861153. If that be so there should have been a difference in the total figure by 20 lakhs. This did not happen. The candidates were supplied with two sheets of paper to do rough work and calculate interest. Sanjat had not done interest calculation in the rough sheet supplied to him. However he had arrived at the grand total of all the figures including interest. This was not possible without using the rough sheets and making the calculations as the numbers were large. The mistakes in the credit and debit summations of Pranabesh Mandal were repeated by Sanjat. Sanjat was sitting in front of Pranabesh. Without the connivance of Pranabesh, Sanjat could not have copied the answers of Pranabesh. The explanation of Pranabesh to the charge sheet is that copying was not possible as both were sitting at a distance of 10 to 15 feet one behind the other. No invigilator at the examination had noticed regarding any malpractice. The explanation of Sanjat is that he had not copied any answer from the answer sheet of Pranabesh. According to him while writing the answers and doing the calculations, the rough sheet had fallen down and he had no time to recover it for want of sufficient time to answer all questions. Hence a newspaper which was used as a pad, was made use to do the rough calculations and only at the end of the examination, the rough sheet could be recovered from the floor and that is the reason why the calculation of interest is not seen in the rough sheet. These explanations were not satisfactory to the disciplinary authority and therefore enquiries were ordered.

8. In the enquiry against Sri. Pranabesh Mandal 3 witnesses were examined as MW1 to MW3 and 13

documents were marked as ME-1 to 11 on the side of the management and one witness was examined as DW1 on the side of the workmen. In the enquiry against Sanjat the same 3 witnesses were examined as MW1 to MW3 and 13 documents were marked as Exts. ME-13 on the side of the management and the witness was examined as DW1 on the side of the defence.

9. MW 1 Sri. N. Ganguly who was the Branch Manager of Ambalapuzha Branch of the Federal Bank was deputed to Calcutta to conduct the promotion test of Clerks on 27-10-1990. According to him a seating diagram was prepared in advance for the conduct of the test and the diagram is Ext. ME-6. The CSF of Sri Sanjat (CSF) was 9342 and his seat was in the 7th row from front. The other CSF Sri. Pranabesh was a lateral to No. 9345 and his seat was in the 8th row from front. There were 3 invigilators to supervise the examination. The witness says that he had issued Ext. ME-7 instructions to invigilators for proper conduct of the test. The candidates were not allowed to bring any books, news papers, calculators etc. into the hall. None of the invigilators had reported any violation of the instructions or rule. He also has deposed that Sanjat was sitting in front of Pranabesh at a distance of 5 feet.

10. MW 2. Sri. P. C. Khandekar Achikarli was an officer of Dombapur Branch and was an invigilator for the test. He says that none of the candidates in the test including Sanjat was permitted to bring newspaper. Sri. Sanjat was sitting in front of Pranabesh. MW 2 had issued one answer sheet and two work-sheets to each candidate. At the end of the examination the witnesses had collected all the answer sheets and work sheets of a candidate. He had not noticed any malpractice during the examination.

11. MW 3 is Sri. T. C. Singhvi. He was the Manager of Nehru Place Branch. He was posted as Deputy Chief Examiner for the test. He assessed the answer papers of Pranabesh Mandal and Sanjat. They are Exts. ME-12 (in Ext. M 1) and ME-13 (in Ext. M 2). On perusing the answers he came to understand that Sri. Sanjat had copied the answers of Sri. Pranabesh. He came to such a conclusion because the mistakes committed by Pranabesh were repeated by Sanjat in his answer papers. He sent Ext. ME-13 report regarding the malpractice to the Chief Examiner. The discrepancy and the malpractice is said to be the following according the enquiry Officer.

(1). In Ext. ME-1 (in Ext. M2) answer sheet of Sanjat Dey he had given a wrong product against the entry dated 28-10-1984 as 28861153 but the actual figure was 26861153. However when he summated he arrived at a total of 755861647 which is the correct answer. But going by the first product the grand total should have been less by 20,00,000. In the answer sheet of Pranabesh Ext. ME-12 (in Ext M 1) the grand total was 755861647 (the correct figure). However there was no mistake in the products which were summated.

2. The total credit and debit summation in Ext. ME-12 of Pranabesh was wrong and the figure was 61686726.53. The actual figure should have been 61648165.47. The worksheet provided to Pranabesh contained the method of calculation and how he had arrived at a wrong figure. Whereas in Ext. ME-11 answer sheet of Sanjit without making calculation in the worksheet the same mistake in the answer sheet of Pranabesh was repeated by Sanjit.
3. The amount of interest calculated by Pranabesh was correct. So also the amount of interest arrived at by Sanjit. Nobody else, other than Pranabesh and Sanjit had calculated the interest correctly. But while Pranabesh's worksheet showed rough calculation the worksheet of Sanjit did not contain such rough calculation. But he had arrived at the correct figure.
4. Without using worksheet and doing rough calculation it was not possible to get answers because the numbers were large.

12. It is the case of the management that Pranabesh was sitting behind Sanjit at a distance of 5 feet. However the defence witness Sri. Sekhar Banerji, one of the candidates who had appeared for the test denied that Pranabesh was sitting behind Sanjit. He also said that he was supplied with only one answer sheet by MW 1 and he used news paper as pad for answer sheet. Pranabesh in his reply to the charge sheet (Ext. ME-3 in M1) has not challenged the row arrangement or seating arrangement, but only disputed the distance between the rows as 10 to 15 feet. Sanjit in his reply to the charge sheet (Ext. ME-3 in M2) stated that his seat being in front of Sri Pranabesh, without mechanical device it was not possible to see the answers in the answer sheet of Pranabesh. This being the reply of workmen, DW1 tries to be more loyal than the king. MW1 to MW3 say that Pranabesh was sitting behind Sanjit. The seating diagram Ext. ME-6 in M1 support the case of the management regarding seating arrangement. It is true that the invigilators did not notice any malpractice in the examination hall. But the fact that same mistakes committed by Pranabesh were repeated by Sanjit and arrived at a total sum and interest figure without rough calculation throw a lot of doubt on the conduct of Sanjit. The case of missing of worksheet and use of newspaper as worksheet is a cock and bull story to escape from the clutches of guilt. The invigilators and MW1 have deposed that nobody was allowed to bring into the hall news papers, books, calculators etc. In the light of the evidence on record and in view of the circumstances discussed above there is no doubt that the Enquiry Officer has rightly found that Sanjit had copied the answers of Pranabesh and the latter had connived in doing so. Hence both are guilty. I find no reason to interfere with that finding.

13. Point No. 3:- The punishment awarded to Pranabesh is withholding of one annual increment with cumulative effect and the punishment imposed on Sanjit is withholding of 2 annual increments with cumulative effect. It was argued by the learned counsel for the union that the punishment is disproportionate and excessive. However learned counsel was not able to convince me as to what manner the penalty is disproportionate or illegal. It is a major misconduct falling within clause 19.5 of First Bipartite Settlement for which one of the punishments in clause 19.6 has to be imposed. The withholding of increment is in noway a harsh punishment. The punishment being one not within S-11A of I.D. Act, unless it is against the provisions of law or Bipartite Settlement this court cannot interfere. Hence I find that the punishment is proper and legal.

In the result an award is passed finding that the action of the management in imposing the penalty of withdrawal of one annual increment with cumulative effect in respect of Sri. Pranabesh Mandal and withholding of 2 annual increments with cumulative effect in respect of Sri Sanjit Dey is legal and justified and the workmen are not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibits for the Management

M1 - Enquiry file in respect of Sri Pranabesh Mandal.
 M2 - Enquiry file in respect of Sri Sanjit Dey.

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 107/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-09-2008 को प्राप्त हुआ था ।

[सं. एल-12012/366/1995-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/04) of the Central Government Industrial Tribunal-Cum-Labour

Court, Northern as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen which was received by the Central Government on 18-9-2008.

[Ref. I.41012/36/1995-IR(14-II)]

RAHINDER KUMAR D. L. Officer
ANNEXURE

BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CENTRAL CUM LABOUR COURT, NAGPUR

Case No. C.C.L. 36/1997-04

Dated 19-09-2008

Petitioner:
Party No. 1
Shri Kanchan S/o Govindrao Shinde,
Ravindra Shinde, Wankhede, No. 12
Bhajan Mandal Karyalaya, 1st Floor
(Opp. No. 2, Post-Office Building),
Amravati (M.S.)

Versus

Respondent
No. 2
Sh. Regional Manager, Head
of Maharashtra "Siddhivinayak"
Bank Building, Opposite Arati
Kalyan Karyalaya, Latur (M.S.)
Amravati 444606

AWARD

Dated 19 September, 2008

1. The Central Government after noticing the existence of dispute between the Shri Kanchan S/o Govindrao Shinde, Ravindra Shinde, Wankhede, No. 12 Bhajan Mandal Karyalaya, No. 12, Near Nagar No. 2 Post-Office Building, Amravati (M.S.) (Party No. 1) and the Regional Manager, Bank of Maharashtra "Siddhivinayak" Deshamal Building, Opposite Arati Kalyan Karyalaya, Latur (M.S.) Amravati-194606 referred the same for adjudication to this Tribunal vide its letter No. I.41012/36/95-IR(14-II) dated 20-6-1996 under clause (1) of section (1) and sub-section (2A) of Section 16 of Industrial Disputes Act (1947) of 1947 with the following schedule:

2. "Whether the action of the management of Bank of Maharashtra towards its R.M. Amravati is to discontinue the services of Shri Kanchan Shinde, Clerk by order dt. 13-7-1994 is considered justified if not, what relief is the workmen entitled to?"

3. The date of coming up for hearing on 18-9-2008 on which petitioner did not attend his hearing in person. They are not attending the case since last two years. He has not even filed a statement of claim. It is felt that it is proper to conclude the same stage year for hearing. It seems that the petitioner is not interested in proceeding the case. In the circumstances, no purpose will be served in continuing the case. Hence, it is directed for the release of the Petitioner and also the negative award that he is not entitled for any relief."

Date: 08-09-2008

A.N. YADAV, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2008

का.आ. 2872.—जनराजिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केंद्रीय सरकार नार्दन रेलवे प्रबंधतात्र के संबंध नियोजित और उनके कर्मकारों के बीच अनुदान में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण ने, घण्टीगढ़ के प्रचार (दर्दर्थ संख्या 107/1994) को प्रकाशित करती है, जो केंद्रीय सरकार के 19-09-08 को प्राप्त हुआ था।

[सं. प्रल. 1/012/145/1992 -आईआर(डीयू)]

चौ. के. मनचन्दा, अनुभाग अधिकारी

Now Delhi, dt. 19th September, 2008

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/1994) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure in Industrial Dispute between the management of Northern Railway, and their workmen, which was received by the Central Government on 19-6-2008

[No. I.41012/145/1992-IR (DU)]

B.K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI GYANENDER KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case No. I.D. 7/1994

Shri Tubi Ram S/o Shri S.P. Sharma, House No. 3-152,
Sector 23-D, Chandigarh

....Applicant

Versus

1. The General Manager, Northern Railway, Baroda House,
New Delhi

2. Asstt. Engineer, Northern Railway, Patiala (Pb)

.... Respondent

APPEARANCES

For the workmen: None

For the management: None

AWARD

Passed on 9-6-08

The Government of India vide Order No. I.41012/145/92-IR (DU) dated 21-01-94, referred this Industrial Dispute for adjudication to this Tribunal on account of failure of reconciliation proceedings before the Conciliation Officer. The reference which was referred by the Central Government for judicial adjudication is:-

"Whether the action of Assistant Engineer, Northern Railway Patiala, in terminating the service of Sh. Tubi Ram S/o Sh. Nutan Ram, Khalasi w.e.f January 1987

is justified? If not what relief the workman is entitled to?"

After receiving the reference, workman and the Management both were afforded the opportunity for filing their respective claim petition and written statement. In his statement for claim, the workman Tuhi Ram stated that he was engaged as Casual Labour on daily wages by Inspector of Works, Northern Railway, Bhatinda from 15-12-77 to 14-03-78. Thereafter, the workman was engaged as Casual Labour on daily wages by Inspector Works Northern Railway, Durhi, District Sangrur, from 1-06-85 to 14-12-86. That below the entry 15-11-86 to 14-12-86, in the Casual Labour card it has been mentioned as ("left on own accord") but the deponent remained engaged with the Inspector of Works, Northern Railway, Durhi for the period from 15-12-86 to 14-1-87 and he was also paid wages for that period. That the Services of Shri Tuhi Ram were terminated of 14-01-87 an oral Order. That the termination of services of Tuhi Ram is wrong, illegal, arbitrary, malafide and invalid. After completion of 120 days of service on 14-10-85, he was entitled to scale rate of pay and once he was granted temporary status, his services could not be terminated except in due course of law and without giving him adequate and reasonable opportunity to show cause against the termination of service. The remarks on the Casual Labour card of the deponent to the effect "left on own accord" are quite wrong illegal and invalid because he remained engaged with the management from 15-12-86 to 14-01-87. His termination is retrenchment under the Industrial Disputes Act, 1947, and as he has completed 240 days of service, the services of the deponent could not be terminated except in due course under Section 25-F of the Industrial Disputes Act, 1947. The breaks in service from 15-10-85 to 18-10-85, 15-01-86, 27-5-87 and 13-08-86 were illegal unjust and the same are unfair labour practices. The deponent made applications to the higher authorities for employment on 21-04-88, 15-12-89 and 06-09-91. On number of occasions, he has orally requested to provide the work but without any result. He also gave letter dated 10-06-92 to DRM Northern Railway which was received by Sh. Atma Singh, Assistant Executive Engineer Railway, Ambala but he was not provided the work.

With the above averments, the workman has prayed the protection of Section 25-F of the Industrial Dispute Act, 1947 with the prayer for reinstatement in service with full back wages, 24% per annum interest and other consequential benefits.

The management filed the written statement denying all the allegations of workman by stating that Shri Tuhi Ram worked from 15-12-77 to 14-03-78 and thereafter left the job without any reason and remained absent for a period of 7 years. It has been admitted by the management that once again from 01-06-85 to 17-01-87 the workman had worked with the management in different Departments with breaks. There were breaks in his service from 15-01-85

to 18-10-85 and 15-01-86 to 27-05-86 almost for 5 months. Again a break on 31-08-86 for a day. Thus, the workman has not completed 240 days continuously to any of the proceeding year of his termination, and not entitled for the protection of the provisions of Industrial Disputes Act, 1947. It has also been stated that from 18-01-87, the workman himself left the job and never turned up. His claim and reference is also barred by limitation. He is a habitual absentee and has never requested the Department for the work after 17-01-87.

Against the written statement, the workman filed the replication stating that he has never abandoned/left the job but he was terminated from the service by an oral order.

Both of the parties were afforded the opportunity of being heard and for adducing evidence.

The workman filed his affidavit and he was cross-examined by learned counsel for the Management. Likewise for Management Shri Bharam Singh filed the Affidavit and he was cross-examined by learned counsel for the workman. Opportunity of being heard was given but on the date fixed, none turned-up for the workman as well as for the Management. Accordingly, considering the critical old reference pending adjudication in this Tribunal, the file was reserved for Award.

The main question for the consideration before this Tribunal is whether the termination of the services of Sh. Tuhi Ram, w.e.f. January, 1987, is justified? If not, what relief the workman is entitled to? I have gone through the evidence of both the parties oral and documentary.

It is admitted fact that the workman, Sh. Tuhi Ram, has worked from 15-12-77 to 14-01-87 with certain breaks. The first break which was almost of seven years was from 15-12-77 to 14-03-78. Mainly on the basis of this break, Management, has claimed that the workman has been a habitual absentee. In the oral evidence, MW1, Bharm Singh for Management has stated that again under the orders of the Superior Officers, the workman had been recalled in the year 1985 and the workman Tuhi Ram also joined. It shows that along with Tuhi Ram, some other workers were disengaged on 14-03-78 and they were recalled in the year 1985. Tuhi Ram was one of them. Thus it can not be said that Tuhi Ram abandoned the job of his own. In his oral evidence MW1 has also stated that as per Instructions, Casual Labour is entitled for grant of temporary status on completion of 120 days of service. This is also the case of Tuhi Ram that on completion of 120 days of service, the temporary status was not awarded to him. In the pleadings the Management denied that the workman has completed 120 days of service but in evidence in para No. 3, P/2, it is specifically mentioned that he has completed 120 days of regular service on 14-10-85 and after that he was entitled for regular pay, but unfortunately, he left the job on 15-10-85 without any reason and thus occurred a break in service. The workman has agitated that this break was illegal as he was not permitted to work by the Management to escape

from the liability of giving the temporary status. From the calculation given by the Management itself, it is evident that from 15-10-85 to 18-10-85 for 4 days, the claimant has shown to left the job and again on 19-10-85 he joined the service. A Circular Letter of the Northern Railway No. DSC/MISC/C1/82-83 dated 30-11-83 which is regarding the recruitment of fresh Casual Labour, shows that these are the Instructions of the Railway Ministry that the Labour should be engaged for a period not more than 90 days. This Circular Letter supports the version of the workman that the Management causes the breaks in service to prevent itself from the liability of giving the temporary status to the workman. Such types of breaks have been held to be illegal by Hon'ble Himachal Pradesh High Court in a recent judgment published in 2007 LLR 1155 Manoj Kumar Sharma Vs. H. R. T. C. and Another Hon'ble High Court of Himachal Pradesh in para 11 and 18 of the judgment has specifically held that such breaks in service of workman and the communication amounts to unfair labour practice. Accordingly after considering the facts and circumstances of the case and considering the evidence of both the parties, I am of the view that the breaks in service of the workman were not the result of his voluntary absence from the service but he was not allowed to work to prevent the Management from the liability of giving him temporary status. On 14-01-86, the workman has completed 120 days of service and as per the Circular Letter of the Railway Ministry, he was entitled for the temporary status which was not given to him. He was not permitted to work from 5-01-86. As already stated that the intention of the Management is very clear from the letter of the Railway Ministry dated 30-11-83 having a scheme for engaging the Casual Labour for a period of 90 days only. The intention for such a provision is very well clear. Thus the workman has proved that the breaks in the service were not the result of his fault or absence from the service and the workman cannot to be said to be habitual absente but there were compelling circumstances for his absence.

The workman has also pleaded that his juniors were given the job by the Management. The Management has denied it in pleadings. The Management in oral evidence admitted that Shri Swaran Pal joined on 15-05-78 and was junior to Tuhi Ram who joined the service on 15-12-97. It has also been admitted by the Management that Swaran Pal also left the job in 1978, at his own and he was reengaged in the year 1980 for 92 days. This statement once again shows that the seven years absence was not only of workman Tuhi Ram, but his fellow-workers as well. The witness has shown the ignorance about Swaran Pal's absence, whether he remained out of job at his own? Thus, the breaks in service are not voluntary act of the workman and as per the above mentioned Hon'ble High Court of Himachal Pradesh judgment, the Management can not be permitted to make the breaks just to prevent the workman to get any benefit of his temporary status or other status in the services.

One more contention of the Management is that this reference is time-barred. No period in Industrial Disputes Act has been mentioned under which the reference should be made, but certainly it should be reasonable period which is available to the workman for agitating his cause of termination and for starting the proceedings for reference. The letters of the workman dated 21-04-88, 15-12-89, 06-08-90 and October 1990 show that he requested number of times to the Management to provide him the job. In his oral evidence the workman has also stated that not only in writing, but he orally requested a number of times to provide him the job but in vain. The last letter of October 1990 was received by the authority of the Management. The Management had disputed it by stating that it has not been received by competent authority. It is the inter se departmental matter of the Management. Thus after considering all the facts and circumstances of the case I am of the view that workman Tuhi Ram requested the Management regularly to provide him the job but in vain and his reference is not time-barred.

The workman has completed, as admitted by the Management 120 days and he was not given a temporary status. Likewise, from 01-06-85 to 17-01-87, he has also completed more than 240 days and the breaks in between were not the result of his own conduct. He is entitled to the protection of the provisions of the Industrial Disputes Act, as he was terminated from the service without giving the notice or compensation. His termination is as per the provisions of Industrial Disputes Act, retrenchment and his termination being without giving the notice or compensation is illegal. Moreover, as per the evidence of the Management, few workmen were junior to the workman Tuhi Ram have been given the service benefit in the Railway Department. Accordingly the reference is likely to be answered is negative that the action of Assistant Engineer, Northern Railway, Patiala in terminating the service of Tuhi Ram w.e.f. January, 1987 is not justified and the workman is entitled to relief as per the provisions of Industrial Dispute Act. Now, I have to consider what relief should be given to the workman? It is admitted case to the Management that on completion of 120 days a temporary status was due to the workman on 14-10-85. The workman has completed 120 days but he was not permitted, as stated earlier, to work from 15-10-85 with intention to prevent him from this temporary status. This action of the Management was illegal. Accordingly, the workman will be entitled, as per the Circular Letter of the Management for the temporary status from 14-10-85 on which he completed 120 days of service. To continue the work on 15-10-85, was out of his control and the Management is to give the temporary status from the day he has completed 120 days of service.

The workman will also entitled for the full wages from 14-10-85 to 17-01-87 and half wages thereafter. The workman will not be entitled for any interest on the wages so ordered.

Accordingly, the reference is disposed of. The Central Government be informed. Consign to the record.

G.K. SHARMA, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2873.—श्रम और रोजगार मंत्रालय की दिनांक 20 जनवरी, 2007 को भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड(ii) में का.आ.संख्या 205 द्वारा प्रकाशित अधिसूचना में निम्नलिखित प्रविष्टि शामिल की जाएगी, नामतः—

क्रम संख्या

52. मैसर्स गार्डन रीच शिपबिल्डर्स एंड इंजिनियर्स लि., कलकत्ता

(20-08-2004 से 30-09-2008 तक)

[का. सं. एस-38014/46/2007-सा.सु.-I]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 1st October, 2008

S.O. 2873.—In the Notification of the Ministry of Labour and Employment published in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated 20th January, 2007 vide S.O. No. 205, the following entries shall be inserted, namely:-

Sl. No.

52. M/s. Garden Reach Shipbuilders & Engineers Ltd., Calcutta

(W.e.f. 20-08-2004 to 30-09-2008).

[F. No. S-38014/46/2007-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2874.—कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम, 1952 (1952 का 19) की धारा 14 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एवं द्वारा पूर्ववर्ती श्रम मंत्रालय, भारत सरकार की दिनांक 17 अक्टूबर, 1973 की अधिसूचना का.आ. सं. 549 (अ) में निम्नलिखित माशोधन करती है, अर्थात्:-

उपर्युक्त अधिसूचना में, अनुसूची के स्थान पर, निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, नामतः—

‘‘अनुसूची

1. राज्यीय राजधानी राज्य क्षेत्र, दिल्ली
2. अन्य प्रदेश राज्य तथा पुदुचेरी संघ शासित क्षेत्र का यन्म क्षेत्र
3. असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्य
4. बिहार राज्य

5. छत्तीसगढ़ राज्य

6. गोवा राज्य

7. गुजरात राज्य, दमन व द्वीप तथा दादरा व नगर हवेली संघ शासित क्षेत्र

8. हरियाणा राज्य

9. हिमाचल प्रदेश राज्य

10. झारखण्ड राज्य

11. कर्नाटक राज्य

12. केरल राज्य, लक्षद्वीप का संघ शासित क्षेत्र तथा पुदुचेरी संघ शासित क्षेत्र का माहे क्षेत्र

13. मध्य प्रदेश राज्य

14. महाराष्ट्र राज्य

15. डिल्ली राज्य

16. पंजाब राज्य तथा चंडीगढ़ संघ शासित क्षेत्र

17. राजस्थान राज्य

18. तमिलनाडु राज्य तथा संघ शासित क्षेत्र पुदुचेरी जिसमें इष्ट संघ शासित क्षेत्र के माहे और यन्म क्षेत्र शामिल नहीं हैं।

19. उत्तराखण्ड राज्य

20. उत्तर प्रदेश राज्य

21. पश्चिम बंगाल राज्य एवं अंडमान एवं निकोबार द्वीप समूह संघ शासित क्षेत्र तथा सिक्किम राज्य

उपर्युक्त अधिसूचना के अनुसार 17-10-1973 के पश्चात् सुनित राज्यों/क्षेत्रों/उप-क्षेत्रों के मामले में, पूर्ववर्ती क्षेत्रों के क्षेत्रीय भविष्य निधि आयुक्तों और/या 17-10-1973 के पश्चात् सुनित राज्यों/क्षेत्रों/उप-क्षेत्रों के क्षेत्रीय भविष्य निधि आयुक्तों द्वारा प्रयुक्त की गई शक्तियों को इस अधिसूचना के अंतर्गत “प्रयुक्त शक्तियाँ” माना जाएगा।

[फाइल सं. एस.-35012/02/2008-एस.एस.11]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th October, 2008

S.O. 2874.—In exercise of powers conferred by Section 14 AC of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of Government of India in the erstwhile Ministry of Labour's S.O. No. 549(E), dated the 17th October, 1973, namely:—

In the said notification, for the Schedule, the following Schedule shall be substituted, namely:-

"SCHEDULE"

1. The National Capital Territory of Delhi.
2. The State of Arunachal Pradesh and the Yanam area of the Union territory of Puducherry.
3. The States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.
4. The State of Bihar.
5. The State of Chhattisgarh.
6. The State of Goa.
7. The State of Gujarat, the Union territory of Dadra and Dhu and Dadra and Nagar Haveli.
8. The State of Haryana.
9. The State of Manipur Pradesh.
10. The State of Jharkhand.
11. The State of Karnataka.
12. The State of Kerala, the Union territory of Lakshadweep and the Mahe area of the Union territory of Puducherry.
13. The State of Madhya Pradesh.
14. The State of Maharashtra.

15. The State of Orissa.
16. The State of Punjab and Union territory of Chandigarh.
17. The State of Rajasthan.
18. The State of Tamil Nadu and the Union territory of Puducherry except the Mahe and Yanam areas of the Union territory.
19. The State of Uttar Pradesh.
20. The State of Uttar Pradesh.
21. The State of West Bengal and Union territory of Andaman and Nicobar Island and the State of Sikkim.

In the case of the States Regions/Sub-Regions created after 17-10-1973, the powers exercised by the Regional Provident Fund Commissioners of the erstwhile Regions as per the said classification and or by the Regional Provident Fund Commissioner of the States Regions Sub-Regions created after 17-10-1973 shall be deemed as powers exercised under this regulation.

[F. No. S-35012.02/2008-SSII]

S. D. XAVIER, Under Secy.